

**United States Bankruptcy Court**  
**Western District of Wisconsin**

In re Stuart B. Utgaard,  
Kimberly J. Utgaard

Debtors

Case No. 09-18474

Chapter 7

**SUMMARY OF SCHEDULES**

Indicate as to each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors must also complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF SHEETS	ASSETS	LIABILITIES	OTHER
A - Real Property	Yes	1	5,565,490.00		
B - Personal Property	Yes	4	55,598.92		
C - Property Claimed as Exempt	Yes	3			
D - Creditors Holding Secured Claims	Yes	4		7,270,067.98	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)	Yes	2		160,000.00	
F - Creditors Holding Unsecured Nonpriority Claims	Yes	9		34,437,946.94	
G - Executory Contracts and Unexpired Leases	Yes	1			
H - Codebtors	Yes	2			
I - Current Income of Individual Debtor(s)	Yes	1			3,577.60
J - Current Expenditures of Individual Debtor(s)	Yes	1			3,723.13
Total Number of Sheets of ALL Schedules		28			
Total Assets			5,621,088.92		
Total Liabilities				41,868,014.92	

**United States Bankruptcy Court**  
**Western District of Wisconsin**

In re Stuart B. Utgaard,  
Kimberly J. Utgaard

Case No. 09-18474

Debtors

Chapter 7

**STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)**

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(8) of the Bankruptcy Code (11 U.S.C. § 101(8)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

- ☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

**This information is for statistical purposes only under 28 U.S.C. § 159.**

**Summarize the following types of liabilities, as reported in the Schedules, and total them.**

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	0.00
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E)	160,000.00
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E) (whether disputed or undisputed)	0.00
Student Loan Obligations (from Schedule F)	0.00
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	0.00
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	0.00
TOTAL	160,000.00

**State the following:**

Average Income (from Schedule I, Line 16)	3,577.60
Average Expenses (from Schedule J, Line 18)	3,723.13
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20 )	0.00

**State the following:**

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column		1,777,277.98
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	160,000.00	
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column		0.00
4. Total from Schedule F		34,437,946.94
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)		36,215,224.92

In re Stuart B. Utgaard,  
Kimberly J. Utgaard

Case No. 09-18474

Debtors

## SCHEDULE A - REAL PROPERTY

Except as directed below, list all real property in which the debtor has any legal, equitable, or future interest, including all property owned as a cotenant, community property, or in which the debtor has a life estate. Include any property in which the debtor holds rights and powers exercisable for the debtor's own benefit. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor holds no interest in real property, write "None" under "Description and Location of Property."

**Do not include interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.**

If an entity claims to have a lien or hold a secured interest in any property, state the amount of the secured claim. See Schedule D. If no entity claims to hold a secured interest in the property, write "None" in the column labeled "Amount of Secured Claim." If the debtor is an individual or if a joint petition is filed, state the amount of any exemption claimed in the property only in Schedule C - Property Claimed as Exempt.

Description and Location of Property	Nature of Debtor's Interest in Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption	Amount of Secured Claim
300 West 1st Street Star Prairie, Wisconsin		J	2,067,000.00	3,148,885.11
Tax Parcel Nos. 182-1019-50-000, 182-1019-20-000, and 182-1019-60-000				
Appraisal Report dated 10/16/09				
217 West 1st Street Star Prairie, WI 54026 (Homestead)		J	190,200.00	117,500.00
Tax Parcel Nos. 182-1009-10-000, 182-1009-20-000, and 182-1010-50-000				
Fair Market Value from 2009 Real Estate Tax Bills				
419C Lakeview Lane Osceola, Wisconsin		J	1,620,600.00	2,167,314.17
Tax Parcel Nos. 002-01185-0000, 002-01212-0000, and 002-01210-0000				
Fair Market Value from 2009 Real Estate Tax Bills				
Building located on Lot 13-3 of New Richmond, Wisconsin Regional Airport		J	150,000.00	175,997.94
Debtor's estimate as to value				
1858 S. Lakeline Drive Salt Lake City, UT 84109		J	1,537,690.00	1,660,370.76
Fair market value from 2009 Real Estate Tax Assessment				

Sub-Total > 5,565,490.00 (Total of this page)

Total > 5,565,490.00

0 continuation sheets attached to the Schedule of Real Property

(Report also on Summary of Schedules)

In re Stuart B. Utgaard,  
Kimberly J. UtgaardCase No. 09-18474Debtors**SCHEDULE B - PERSONAL PROPERTY**

Except as directed below, list all personal property of the debtor of whatever kind. If the debtor has no property in one or more of the categories, place an "x" in the appropriate position in the column labeled "None." If additional space is needed in any category, attach a separate sheet properly identified with the case name, case number, and the number of the category. If the debtor is married, state whether husband, wife, both, or the marital community own the property by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the debtor is an individual or a joint petition is filed, state the amount of any exemptions claimed only in Schedule C - Property Claimed as Exempt.

**Do not list interests in executory contracts and unexpired leases on this schedule. List them in Schedule G - Executory Contracts and Unexpired Leases.**

If the property is being held for the debtor by someone else, state that person's name and address under "Description and Location of Property." If the property is being held for a minor child, simply state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
1. Cash on hand		Cash on Person (H) \$279 Cash on Person (W) \$200	J	479.00
2. Checking, savings or other financial accounts, certificates of deposit, or shares in banks, savings and loan, thrift, building and loan, and homestead associations, or credit unions, brokerage houses, or cooperatives.		AnchorBank Checking Account	W	400.00
		First National Community Bank Checking Account, 109 East 2nd Street, New Richmond, WI	H	103.62
3. Security deposits with public utilities, telephone companies, landlords, and others.	X			
4. Household goods and furnishings, including audio, video, and computer equipment.		Household Goods, etc., Lakeview Lane & Star Prairie, WI (See attached)	J	18,160.00
5. Books, pictures and other art objects, antiques, stamp, coin, record, tape, compact disc, and other collections or collectibles.		Pictures and Other	J	300.00
6. Wearing apparel.		Clothes	J	200.00
7. Furs and jewelry.		Wedding Rings (husband and wife) \$600 Masonic Ring \$200 Class Ring \$200 Rolex watch (wife) \$1,000	J	2,000.00
8. Firearms and sports, photographic, and other hobby equipment.	X			
9. Interests in insurance policies. Name insurance company of each policy and itemize surrender or refund value of each.		Northwestern Mutual Life Insurance (four term policies; no cash values)	H	0.00

Sub-Total > 21,642.62  
(Total of this page)

3 continuation sheets attached to the Schedule of Personal Property

In re Stuart B. Utgaard,  
Kimberly J. UtgaardCase No. 09-18474

Debtors

**SCHEDULE B - PERSONAL PROPERTY**

(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
		Northwestern Mutual Life Insurance, Policy No. 8-736-254 Cash value \$133,004.19 minus Loans of \$130,020.89 (as of 11/2/09)	H	2,983.30
		Northwestern Mutual Life Insurance, Policy No. 7-394-266 Cash value \$77,828 minus Loans of \$72,628	J	5,200.00
		Northwestern Mutual Life Insurance, Policy No. 6-903-234 Cash value \$56,414 minus Loans of \$54,945 (as of 10/30/09)	J	1,469.00
10. Annuities. Itemize and name each issuer.	X			
11. Interests in an education IRA as defined in 26 U.S.C. § 530(b)(1) or under a qualified State tuition plan as defined in 26 U.S.C. § 529(b)(1). Give particulars. (File separately the record(s) of any such interest(s). 11 U.S.C. § 521(c).)	X			
12. Interests in IRA, ERISA, Keogh, or other pension or profit sharing plans. Give particulars.		Kim's 401K; vested balance \$35,995 less loan of \$23,091	W	12,904.00
		IRA Account held at AnchorBank	H	6,000.00
		IRA Account held at First National Community Bank	W	5,000.00
13. Stock and interests in incorporated and unincorporated businesses. Itemize.		4,400 Shares in Enterprise Investments, Inc. 1,000 Shares in Utgaard's Hatchery, Inc.  (Both of these entities have more liabilities than assets) No value	H	0.00
14. Interests in partnerships or joint ventures. Itemize.	X			
15. Government and corporate bonds and other negotiable and nonnegotiable instruments.	X			
16. Accounts receivable.	X			

Sub-Total > 33,556.30  
(Total of this page)

Sheet 1 of 3 continuation sheets attached  
to the Schedule of Personal Property

In re Stuart B. Utgaard,  
Kimberly J. UtgaardCase No. 09-18474

Debtors

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
17. Alimony, maintenance, support, and property settlements to which the debtor is or may be entitled. Give particulars.	X			
18. Other liquidated debts owed to debtor including tax refunds. Give particulars.	X			
19. Equitable or future interests, life estates, and rights or powers exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property.	X			
20. Contingent and noncontingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust.	X			
21. Other contingent and unliquidated claims of every nature, including tax refunds, counterclaims of the debtor, and rights to setoff claims. Give estimated value of each.	X			
22. Patents, copyrights, and other intellectual property. Give particulars.	X			
23. Licenses, franchises, and other general intangibles. Give particulars.	X			
24. Customer lists or other compilations containing personally identifiable information (as defined in 11 U.S.C. § 101(41A)) provided to the debtor by individuals in connection with obtaining a product or service from the debtor primarily for personal, family, or household purposes.	X			
25. Automobiles, trucks, trailers, and other vehicles and accessories.		1990 Chevrolet van	H	300.00
26. Boats, motors, and accessories.	X			
27. Aircraft and accessories.	X			

Sub-Total > 300.00  
(Total of this page)

Sheet 2 of 3 continuation sheets attached  
to the Schedule of Personal Property

In re Stuart B. Utgaard,  
Kimberly J. UtgaardCase No. 09-18474

Debtors

**SCHEDULE B - PERSONAL PROPERTY**  
(Continuation Sheet)

Type of Property	N O N E	Description and Location of Property	Husband, Wife, Joint, or Community	Current Value of Debtor's Interest in Property, without Deducting any Secured Claim or Exemption
28. Office equipment, furnishings, and supplies.	X			
29. Machinery, fixtures, equipment, and supplies used in business.	X			
30. Inventory.	X			
31. Animals.		4 Dogs and 4 Cats	J	100.00
32. Crops - growing or harvested. Give particulars.	X			
33. Farming equipment and implements.	X			
34. Farm supplies, chemicals, and feed.	X			
35. Other personal property of any kind not already listed. Itemize.	X			

Sub-Total >	100.00
(Total of this page)	
Total >	55,598.92

(Report also on Summary of Schedules)

Sheet 3 of 3 continuation sheets attached  
to the Schedule of Personal Property

**Farm House Furniture**  
**217 West 1<sup>st</sup> Street – Star Prairie, WI**

Many of the furnishings in the farmhouse are quite old and dated.

**Main Level**

**Dining Room**

Table& Chairs	\$250	
Buffet	150	
Hutch	<u>150</u>	
<b>Total</b>		<b>\$550</b>

**Living Room**

Couches (2)	\$250	
Chairs (2)	100	
Lamps (4)	40	
Decorative Table	50	
Coffee Table	30	
Round Table	25	
Rug	25	
TV (older)	<u>100</u>	
<b>Total</b>		<b>\$620</b>

**Master Bedroom**

King Bed	\$150	
2 Night Stands	50	
Dresser	100	
Tall Dresser	100	
Lamps (2)	20	
<b>Total</b>		<b>\$420</b>

**Kitchen**

Table & 4 Chairs	<u>\$150</u>	
<b>Total</b>		<b>\$150</b>



**Farm House Furniture (continued) Page 2 of 3**  
**217 West 1<sup>st</sup> Street – Star Prairie, WI**

**Small Bedroom**

Bed	<u>\$150</u>	
<b>Total</b>		<b>\$150</b>

**Sun Porch**

Couch	\$40	
Plants (2)	30	
Chairs (2)	50	
Mirror	30	
Table	<u>20</u>	
<b>Total</b>		<b>\$170</b>

**Laundry Room**

Washer/Dryer	\$150	
Desk w/ Chair	75	
Refrigerator (old)	<u>25</u>	
<b>Total</b>		<b>\$250</b>

**Family Room**

TV	\$125	
Piano (old)	35	
Table/4 Chairs	100	
Decorative	20	
Back Table	50	
Round Table	25	
Floor Lamps (2)	25	
Table Lamp	10	
Side Chairs (2)	50	
Couch	150	
Love Seat	100	
Chair/Ottoman	50	
Entertainment Center	150	
Coffee Table	<u>25</u>	
<b>Total</b>		<b>\$915</b>

**Farm House Furniture (continued) Page 3 of 3**  
**217 West 1<sup>st</sup> Street – Star Prairie, WI**

**Lower Bedroom**

Bed	\$100	
Chest/Trunk	<u>25</u>	
<b>Total</b>		<b>\$125</b>

<b>Grand Total Farm House Furnishings</b>		<b><u>\$3,350</u></b>
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**Cabin Furnishings**  
**(491C Lakeview Lane)**

**Main Level**

**Entry Way**

Mirror	\$100	
Bench	<u>50</u>	
<b>Total</b>		<b>\$150</b>

**Master Bedroom**

King Bed	\$200	
2 Night Stands	100	
2 Curios	150	
Chair	50	
Coffee Table	<u>25</u>	
<b>Total</b>		<b>\$525</b>

**Living Room**

2 Chairs	\$ 150	
Ottoman	30	
TV	200	
Sofa	100	
Sofa Chair	50	
2 End Tables	40	
Coffee Table	<u>25</u>	
<b>Total</b>		<b>\$595</b>

**Sunroom**

Leather Chaise	\$150	
2 Chairs	100	
End Table	25	
Lamps	<u>20</u>	
<b>Total</b>		<b>\$295</b>

**Kitchen**

5 Counter Bar Stools	<u>\$100</u>	
<b>Total</b>		<b>\$100</b>

**Cabin Furnishings**  
**491C Lakeview Lane**

**2<sup>nd</sup> Level (Upstairs)**

**Loft**

2 Loft Chairs	\$150	
Desk Chair	20	
Computer w/Printer	100	
TV	<u>100</u>	
<b>Total</b>		<b>\$370</b>

**Annika's Bedroom (age 16)**

King Bed	\$150	
Dresser w/ Mirror	100	
2 Night Stands	50	
Small Writing Desk w/ Stool	50	
Glass Curio	<u>50</u>	
<b>Total</b>		<b>\$400</b>

**Abby's Bedroom (age 9)**

King Bed	\$125	
Glass Curio	100	
Dresser w/ Mirror	100	
Floor Mirror	25	
Night Stands	50	
Chair	<u>25</u>	
<b>Total</b>		<b>\$425</b>

**Antje's Bedroom (age 15)**

King Bed	200	
Dresser	75	
2 Curios	150	
Floor Mirror	25	
2 Night Stands	50	
2 Chairs	150	
Ottoman	<u>25</u>	
<b>Total</b>		<b>\$675</b>

**Cabin Furnishings**  
**491C Lakeview Lane**

**2<sup>nd</sup> Level (Upstairs) continued**

**Ali's Bedroom (age 13)**

King Bed	150	
Dresser	100	
Dressing Table w/ stool	100	
Corner Table	25	
Chair	25	
Ottoman	<u>25</u>	
<b>Total</b>		<b>\$425</b>

**Lower Level (Basement)**

**Game Room**

Foosball Table	\$275	
Ping Pong Table	200	
Pin Ball Machine	1,200	
Jukebox	3,925	
Pacman Table	150	
Pool Table	2,500	
Dart Board	100	
TV	75	
Pictures (4)	<u>50</u>	
<b>Total</b>		<b>\$8,475</b>

**Hallway**

Trunks	\$150	
Mirror	<u>100</u>	
<b>Total</b>		<b>\$250</b>

**Bar**

6 Bar Stools	<u>\$125</u>	
<b>Total</b>		<b>\$125</b>

**Guest Bedroom**

King Bed	\$200	
Hutch w/TV	150	
2 Night Stands	<u>100</u>	
<b>Total</b>		<b>\$450</b>

**Cabin Furnishings**  
**491C Lakeview Lane**

**Lower Level (Basement) continued**

**Family Room**

Game Table w/ 4 Chairs	\$800	
2 High Back Chairs	200	
Coffee Table	100	
Couch	150	
Elephant Coffee Table	100	
Dance Room TV	75	
Office Computer	100	
Display Stand	<u>25</u>	
<b>Total</b>		<b><u>\$1,550</u></b>

**Grand Total Cabin Furnishings** **\$14,810**

Debtor(s)

### SCHEDULE C - PROPERTY CLAIMED AS EXEMPT

Debtor claims the exemptions to which debtor is entitled under:  
(Check one box)

☐ Check if debtor claims a homestead exemption that exceeds \$136,875.

- ☐ 11 U.S.C. §522(b)(2)  
☒ 11 U.S.C. §522(b)(3)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
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#### Real Property

217 West 1st Street  
Star Prairie, WI 54026  
(Homestead)

Tax Parcel Nos. 182-1009-10-000,  
182-1009-20-000, and 182-1010-50-000

Tax Assessed Value from 2008 Real Estate  
Tax Bills

See attached footnote related to value	Wis. Stat. § 815.20	150,000.00	190,200.00
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#### Checking, Savings, or Other Financial Accounts, Certificates of Deposit

AnchorBank Checking Account	Wis. Stat. § 815.18(3)(k)	400.00	400.00
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First National Community Bank Checking Account, 109 East 2nd Street, New Richmond, WI	Wis. Stat. § 815.18(3)(k)	103.62	103.62
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#### Household Goods and Furnishings

Household Goods, etc., Lakeview Lane &  
Star Prairie, WI

(See attached)	Wis. Stat. § 815.18(3)(d)	18,160.00	18,160.00
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#### Books, Pictures and Other Art Objects; Collectibles

Pictures and Other	Wis. Stat. § 815.18(3)(d)	300.00	300.00
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#### Wearing Apparel

Clothes	Wis. Stat. § 815.18(3)(d)	200.00	200.00
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#### Furs and Jewelry

Wedding Rings (husband and wife) \$600  
Masonic Ring \$200  
Class Ring \$200  
Rolex watch (wife) \$1,000

	Wis. Stat. § 815.18(3)(d)	2,000.00	2,000.00
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**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
<u>Interests in Insurance Policies</u>			
Northwestern Mutual Life Insurance (four term policies; no cash values)	Wis. Stat. §§ 815.18(3)(i)(1)(a)	100%	0.00
Northwestern Mutual Life Insurance, Policy No. 8-736-254			
Cash value \$133,004.19 minus Loans of \$130,020.89 (as of 11/2/09)	Wis. Stat. §§ 815.18(3)(i)(1)(a)	100%	2,983.30
	Wis. Stat. § 815.18(3)(f)2	2,983.30	
Northwestern Mutual Life Insurance, Policy No. 7-394-266			
Cash value \$77,828 minus Loans of \$72,628	Wis. Stat. § 815.18(3)(f)2	5,200.00	5,200.00
	Wis. Stat. §§ 815.18(3)(i)(1)(a)	100%	
Northwestern Mutual Life Insurance, Policy No. 6-903-234			
Cash value \$56,414 minus Loans of \$54,945 (as of 10/30/09)	Wis. Stat. § 815.18(3)(f)2	1,469.00	1,469.00
	Wis. Stat. §§ 815.18(3)(i)(1)(a)	100%	
<u>Interests in IRA, ERISA, Keogh, or Other Pension or Profit Sharing Plans</u>			
Kim's 401K; vested balance \$35,995 less loan of \$23,091	Wis. Stat. § 815.18(3)(j)	12,904.00	12,904.00
IRA Account held at AnchorBank	Wis. Stat. § 815.18(3)(j)	6,000.00	6,000.00
IRA Account held at First National Community Bank	Wis. Stat. § 815.18(3)(j)	5,000.00	5,000.00
<u>Stock and Interests in Businesses</u>			
4,400 Shares in Enterprise Investments, Inc. 1,000 Shares in Utgaard's Hatchery, Inc.			
(Both of these entities have more liabilities than assets) No value	Wis. Stat. § 815.18(3)(b)	30,000.00	0.00
<u>Automobiles, Trucks, Trailers, and Other Vehicles</u>			
1990 Chevrolet van	Wis. Stat. § 815.18(3)(g)	300.00	300.00
<u>Animals</u>			
4 Dogs and 4 Cats	Wis. Stat. § 815.18(3)(d)	100.00	100.00



**SCHEDULE C - PROPERTY CLAIMED AS EXEMPT**

(Continuation Sheet)

Description of Property	Specify Law Providing Each Exemption	Value of Claimed Exemption	Current Value of Property Without Deducting Exemption
Total:		224,872.22	223,144.92

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**

Case No. 09-18474

Debtors

## SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

State the name, mailing address, including zip code, and last four digits of any account number of all entities holding claims secured by property of the debtor as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. List creditors holding all types of secured interests such as judgment liens, garnishments, statutory liens, mortgages, deeds of trust, and other security interests.

List creditors in alphabetical order to the extent practicable. If a minor child is a creditor, the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). If all secured creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor", include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H", "W", "J", or "C" in the column labeled "Husband, Wife, Joint, or Community".

If the claim is contingent, place an "X" in the column labeled "Contingent". If the claim is unliquidated, place an "X" in the column labeled "Unliquidated". If the claim is disputed, place an "X" in the column labeled "Disputed". (You may need to place an "X" in more than one of these three columns.)

Total the columns labeled "Amount of Claim Without Deducting Value of Collateral" and "Unsecured Portion, if Any" in the boxes labeled "Total(s)" on the last sheet of the completed schedule. Report the total from the column labeled "Amount of Claim" also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report the total from the column labeled "Unsecured Portion" on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding secured claims to report on this Schedule D.

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
		DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN					
Account No.							
402 N. Cove, LLC c/o Scott Nielsen 1371 S. Vintage Oak Lane Salt Lake City, UT 84121	J	June 17, 2002 (subordinated to North Star Bank) Mortgage recorded 6/28/02 as Doc. # 682973 300 West 1st Street Star Prairie, Wisconsin Security interest limited to \$250,000				479,000.00	479,000.00
Account No. xxxxxx0420							
Anchor Bank P.O. Box 7933 Madison, WI 53707	J	2/18/05 UCC filed 2/21/05 as Doc. #050002585222 Building located on Lot 13-3 of New Richmond, Wisconsin Regional Airport				174,703.83	25,997.94
Account No. xxx2180							
Bremer Bank (formerly Northwest Savings Bank) 532 S. Knowles Avenue New Richmond, WI 54017	J	8/19/98 First Mortgage recorded 8/31/98 as Doc. # 586171 217 West 1st Street Star Prairie, WI 54026				57,500.00	0.00
Account No. xx5124							
Bremer Bank 532 S. Knowles Avenue New Richmond, WI 54017	J	5/1/08 Second Mortgage (Line of Credit) recorded 5/30/08 as Doc. # 875853 217 West 1st Street Star Prairie, WI 54026				60,000.00	0.00
Subtotal (Total of this page)						771,203.83	504,997.94

3 continuation sheets attached

In re Stuart B. Utgaard,  
Kimberly J. UtgaardCase No. 09-18474Debtors**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R R	H U S B A N D, W I F E, J O I N T, O R C O M M U N I T Y	DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
Account No.			2008 Personal Property Taxes					
City of New Richmond Treasurer 156 E. First Street New Richmond, WI 54017		J	Building located on Lot 13-3 of New Richmond, Wisconsin Regional Airport					
			Value \$ 150,000.00				1,294.11	0.00
Account No. xxxxxx7002			11/14/07					
First Horizon 400 Horizon Way Irving, TX 75063		J	Deed of Trust recorded 11/19/07 as Entry No. 10278793 in Book 9538 at Page 7156					
			1858 S. Lakeline Drive Salt Lake City, UT 84109					
			Value \$ 1,537,690.00				1,442,749.00	0.00
Account No. xxxx6293			11/14/07					
First Horizon 400 Horizon Way Irving, TX 75063		J	Deed of Trust recorded 11/19/07 as Entry No. 10278794 in Book 9538 at Page 7174					
			1858 S. Lakeline Drive Salt Lake City, UT 84109					
			Value \$ 1,537,690.00				205,576.81	122,680.76
Account No. xxxx1684			12/16/04 (Term Note)					
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110		J	Mortgage recorded 1/6/05 as Doc. # 784356					
			300 West 1st Street Star Prairie, Wisconsin					
			Value \$ 2,067,000.00				1,024,116.75	0.00
Account No.								
Murnane Brandt Attn: Attorney John E. Brandt 30 East 7th Sreet, Suite 3200 Saint Paul, MN 55101-4919			Representing: North Star Bank				Notice Only	
			Value \$					
Subtotal (Total of this page)							2,673,736.67	122,680.76

Sheet 1 of 3 continuation sheets attached to  
Schedule of Creditors Holding Secured Claims

In re Stuart B. Utgaard,  
Kimberly J. Utgaard

Case No. 09-18474

Debtors

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R O R	H U S B A N D W I F E J O I N T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
			DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN					
Account No. xxxx1676			12/16/04 (Revolving Note)					
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110		J	Mortgage recorded 1/6/05 as Doc. # 784356 300 West 1st Street Star Prairie, Wisconsin				1,210,604.13	167,720.88
			Value \$ 2,067,000.00					
Account No.			November 4, 2008					
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110		J	Mortgage recorded 12/23/08 as Doc. # 885786 300 West 1st Street Star Prairie, Wisconsin				435,164.23	435,164.23
			Value \$ 2,067,000.00					
Account No.			UCC recorded 8/17/05 as Doc. # 050012146620					
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110		J					0.00	0.00
			Value \$ 0.00					
Account No.			Assignment of Rents recorded 12/3/08 as Doc. # 885787					
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110		J	300 West 1st Street Star Prairie, Wisconsin				Unknown	Unknown
			Value \$ Unknown					
Account No.			Current Year Real Estate Tax Bill					
Salt Lake County Treasurer P.O. Box 410418 Salt Lake City, UT 84141-0418		J	1858 S. Lakeline Drive Salt Lake City, UT 84109				12,044.95	0.00
			Value \$ 1,537,690.00					
Subtotal (Total of this page)							1,657,813.31	602,885.11

Sheet 2 of 3 continuation sheets attached to  
Schedule of Creditors Holding Secured Claims

In re Stuart B. Utgaard,  
Kimberly J. Utgaard

Case No. 09-18474

Debtors

**SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R R	H W J C	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM WITHOUT DEDUCTING VALUE OF COLLATERAL	UNSECURED PORTION, IF ANY
			DATE CLAIM WAS INCURRED, NATURE OF LIEN, AND DESCRIPTION AND VALUE OF PROPERTY SUBJECT TO LIEN					
Account No. xxxxxx2078			First Mortgage					
Wells Fargo P.O. Box 14411 Des Moines, IA 50306		J	419C Lakeview Lane Osceola, Wisconsin					
			Value \$ 1,620,600.00				1,869,372.87	248,772.87
Account No. xxxxxxxxxxx1998			11/4/05					
Wells Fargo P.O. Box 14411 Des Moines, IA 50306		J	Second Mortgage (Line of Credit) 419C Lakeview Lane Osceola, Wisconsin					
			Value \$ 1,620,600.00				297,941.30	297,941.30
Account No.								
			Value \$					
Account No.								
			Value \$					
Account No.								
			Value \$					

Sheet 3 of 3 continuation sheets attached to  
Schedule of Creditors Holding Secured Claims

Subtotal  
(Total of this page)

2,167,314.17

546,714.17

Total  
(Report on Summary of Schedules)

7,270,067.98

1,777,277.98

In re Stuart B. Utgaard,  
Kimberly J. Utgaard

Case No. 09-18474

Debtors

## SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

A complete list of claims entitled to priority, listed separately by type of priority, is to be set forth on the sheets provided. Only holders of unsecured claims entitled to priority should be listed in this schedule. In the boxes provided on the attached sheets, state the name, mailing address, including zip code, and last four digits of the account number, if any, of all entities holding priority claims against the debtor or the property of the debtor, as of the date of the filing of the petition. Use a separate continuation sheet for each type of priority and label each with the type of priority.

The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112 and Fed. R. Bankr. P. 1007(m).

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H-Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community." If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of claims listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all claims listed on this Schedule E in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules.

Report the total of amounts entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

Report the total of amounts not entitled to priority listed on each sheet in the box labeled "Subtotals" on each sheet. Report the total of all amounts not entitled to priority listed on this Schedule E in the box labeled "Totals" on the last sheet of the completed schedule. Individual debtors with primarily consumer debts report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured priority claims to report on this Schedule E.

**TYPES OF PRIORITY CLAIMS** (Check the appropriate box(es) below if claims in that category are listed on the attached sheets)

☐ **Domestic support obligations**

Claims for domestic support that are owed to or recoverable by a spouse, former spouse, or child of the debtor, or the parent, legal guardian, or responsible relative of such a child, or a governmental unit to whom such a domestic support claim has been assigned to the extent provided in 11 U.S.C. § 507(a)(1).

☐ **Extensions of credit in an involuntary case**

Claims arising in the ordinary course of the debtor's business or financial affairs after the commencement of the case but before the earlier of the appointment of a trustee or the order for relief. 11 U.S.C. § 507(a)(3).

☐ **Wages, salaries, and commissions**

Wages, salaries, and commissions, including vacation, severance, and sick leave pay owing to employees and commissions owing to qualifying independent sales representatives up to \$10,950\* per person earned within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(4).

☐ **Contributions to employee benefit plans**

Money owed to employee benefit plans for services rendered within 180 days immediately preceding the filing of the original petition, or the cessation of business, whichever occurred first, to the extent provided in 11 U.S.C. § 507(a)(5).

☐ **Certain farmers and fishermen**

Claims of certain farmers and fishermen, up to \$5,400\* per farmer or fisherman, against the debtor, as provided in 11 U.S.C. § 507(a)(6).

☐ **Deposits by individuals**

Claims of individuals up to \$2,425\* for deposits for the purchase, lease, or rental of property or services for personal, family, or household use, that were not delivered or provided. 11 U.S.C. § 507(a)(7).

☒ **Taxes and certain other debts owed to governmental units**

Taxes, customs duties, and penalties owing to federal, state, and local governmental units as set forth in 11 U.S.C. § 507(a)(8).

☐ **Commitments to maintain the capital of an insured depository institution**

Claims based on commitments to the FDIC, RTC, Director of the Office of Thrift Supervision, Comptroller of the Currency, or Board of Governors of the Federal Reserve System, or their predecessors or successors, to maintain the capital of an insured depository institution. 11 U.S.C. § 507(a)(9).

☐ **Claims for death or personal injury while debtor was intoxicated**

Claims for death or personal injury resulting from the operation of a motor vehicle or vessel while the debtor was intoxicated from using alcohol, a drug, or another substance. 11 U.S.C. § 507(a)(10).

\* Amounts are subject to adjustment on April 1, 2010, and every three years thereafter with respect to cases commenced on or after the date of adjustment.

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**Case No. 09-18474

Debtors

**SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS**  
(Continuation Sheet)Taxes and Certain Other Debts  
Owed to Governmental Units

TYPE OF PRIORITY

CREDITOR'S NAME, AND MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions.)	C O D E B O R R	H U S B A N D  W I F E  J O I N T  C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM	AMOUNT NOT ENTITLED TO PRIORITY, IF ANY
								AMOUNT ENTITLED TO PRIORITY
Account No. xxx-xx-9063			2008 Income Tax Liability					
Internal Revenue Service Insolvency Unit PO Box 21126 Philadelphia, PA 19114		J					160,000.00	0.00
								160,000.00
Account No.								
Account No.								
Account No.								
Account No.								
Subtotal (Total of this page)							160,000.00	0.00
Total (Report on Summary of Schedules)							160,000.00	0.00

Sheet 1 of 1 continuation sheets attached to  
Schedule of Creditors Holding Unsecured Priority Claims

In re Stuart B. Utgaard,  
Kimberly J. UtgaardCase No. 09-18474Debtors**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**

State the name, mailing address, including zip code, and last four digits of any account number, of all entities holding unsecured claims without priority against the debtor or the property of the debtor, as of the date of filing of the petition. The complete account number of any account the debtor has with the creditor is useful to the trustee and the creditor and may be provided if the debtor chooses to do so. If a minor child is a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m). Do not include claims listed in Schedules D and E. If all creditors will not fit on this page, use the continuation sheet provided.

If any entity other than a spouse in a joint case may be jointly liable on a claim, place an "X" in the column labeled "Codebtor," include the entity on the appropriate schedule of creditors, and complete Schedule H - Codebtors. If a joint petition is filed, state whether the husband, wife, both of them, or the marital community may be liable on each claim by placing an "H," "W," "J," or "C" in the column labeled "Husband, Wife, Joint, or Community."

If the claim is contingent, place an "X" in the column labeled "Contingent." If the claim is unliquidated, place an "X" in the column labeled "Unliquidated." If the claim is disputed, place an "X" in the column labeled "Disputed." (You may need to place an "X" in more than one of these three columns.)

Report the total of all claims listed on this schedule in the box labeled "Total" on the last sheet of the completed schedule. Report this total also on the Summary of Schedules and, if the debtor is an individual with primarily consumer debts, report this total also on the Statistical Summary of Certain Liabilities and Related Data.

☐ Check this box if debtor has no creditors holding unsecured claims to report on this Schedule F.

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	Husband, Wife, Joint, or Community		CONTINGENT	UNLIQUIDATED	DISPUTED	AMOUNT OF CLAIM
	C O D E B T O R	H W J C				
Account No. xxxxxxxx xxx xxxx4375  American Bank 1578 University Ave. Saint Paul, MN 55104	X	H		X	X	4,338,000.00
Account No. xxxx-xxxx-xxxx-4358  Bank of America P.O. Box 15019 Wilmington, DE 19850-5019		J				27,387.68
Account No. xxxx-xxxx-xxxx-0213  Bank of America P.O. Box 15019 Wilmington, DE 19850-5019		J				56,429.86
Account No.  Black Helterline LLP 805 SW Broadway Suite 1900 Portland, OR 97205-3359		J				139.40
Subtotal (Total of this page)						4,421,956.94

8 continuation sheets attached



In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**

Case No. 09-18474

Debtors  
**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B T O R	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. xxxxxxxx5035  Bridgeview Bank 4222 E. Camelback Rd. Phoenix, AZ 85018	X	J	3/17/05 Sportsman's Warehouse, Inc. real estate Personal Guarantee Mesa, AZ location	X	X		5,032,000.00
Account No. xxxxxxxx3583  Bridgeview Bank 4222 E. Camelback Rd. Phoenix, AZ 85018	X	J	3/22/06 Sportsman's Warehouse, Inc. real estate Personal Guarantee Phoenix, AZ location	X	X		6,296,000.00
Account No.  Bryan Cave LLP Attn: Attorney Michelle McMahon 1290 Avenue of the Americas New York, NY 10104-3300			Representing: Bridgeview Bank				Notice Only
Account No.  Centennial Gateway LLC 5785 Centennial Center Blvd Ste 230 Las Vegas, NV 89149	X	J	Possible personal guarantee on Sportsman's Warehouse, Inc. (Las Vegas) obligation	X	X		991,429.50
Account No. xxxx-xxxx-xxxx-6062  Chase P.O. Box 94014 Palatine, IL 60094		J	Personal Credit Card				20,300.00

Sheet no. 1 of 8 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

Subtotal  
(Total of this page)

12,339,729.50

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**

Case No. 09-18474

Debtors

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R R	H U S B A N D, W I F E, J O I N T, O R C O M M U N I T Y	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
Account No. xxxx-xxxx-xxxx-8421  Chase P.O. Box 94014 Palatine, IL 60094		J	Personal Credit Card				2,500.00
Account No. xxxx-xxxx-xxxx-7633  Chase P.O. Box 94014 Palatine, IL 60094		J	Personal Credit Card				20,010.95
Account No.  Columbia Sportswear 14375 NW Science Park Drive Portland, OR 97229	X	J	3/97 Personal Guarantee on Sportsman's Warehouse, Inc. obligation Oregon Dist. Court Case # 3:09-CV-335-HA (Judge Ancer Haggerty)	X	X		640,599.00
Account No.  Perkins Coie, LLP c/o Attorney Thomas R. Johnson 1120 NW Couch Street, 10th Floor Portland, OR 97209-4128			Representing: Columbia Sportswear				Notice Only
Account No. xxxx6188  First American Bank 12333 University Ave. Clive, IA 50325	X	H	7/11/03 Sportsman's Warehouse, Inc. real estate Personal Guarantee Ankeny, IA location		X	X	3,375,000.00
Sheet no. <u>2</u> of <u>8</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)
							4,038,109.95

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**Case No. 09-18474

Debtors

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B I T O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No.						
Hawkins Companies 855 Broad Street, Ste. 300 Boise, ID 83702		H	1/5/09 Personal loan unsecured			103,649.00
Account No.						
Liberty Plumbing & Heating, Inc. 198 West 4860 South Salt Lake City, UT 84107		J	Service done at Utah property			1,297.00
Account No.						
Lindquist & Vennum 4200 IDS Center 80 South Eighth Street Minneapolis, MN 55402-2274		J	Attorney Fees (personal matter)			80.00
Account No.						
Lindquist & Vennum 4200 IDS Center 80 South Eighth Street Minneapolis, MN 55402-2274		J	Attorney Fees (Enterprise Investments, Inc. corporate matters)	X	X	200.00
Account No. 9291						
Marshall Bank First 225 S. 6th St, Suite 2900 Minneapolis, MN 55402	X	J	5/7/03 Sportsman's Warehouse, Inc. real estate Personal Guarantee Thorton, CO location	X	X	4,381,000.00
Subtotal (Total of this page)						4,486,226.00

Sheet no. 3 of 8 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**

Case No. 09-18474

Debtors

## SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R R	Husband, Wife, Joint, or Community		C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. None			1/25/05				537,000.00
McGillis Investment Co. 3038 South 1030 West Salt Lake City, UT 84119		J					
Account No. xxx0208			1/26/00				161,303.00
New Balance Brighton Landing 20 Guest Street Brighton, MA 02135		X H	Personal Guarantee on Sportsman's Warehouse, Inc. obligation	X	X		
Account No.			2007				581,901.00
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110		X J	Sportsman's Aviation, LLC New Richmond Regional Airport Lot 14 Hanger Personal Guarantee	X	X		
Account No. xxxx6268			10/30/09				200.23
Protection One P.O. Box 5714 Carol Stream, IL 60197-5714		J	Labor Charge at Utah property (100.23) and a cancellation fee (\$100.00)				
Account No.			3/97				1,294,172.00
Pure Fishing 1900 18th Street Spirit Lake, IA 51360		X J	Personal Guarantee on Sportsman's Warehouse, Inc. obligation	X	X		
Sheet no. <u>4</u> of <u>8</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)
							2,574,576.23

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**Case No. 09-18474

Debtors

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B T O R	Husband, Wife, Joint, or Community	DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C					
Account No. xxxxxxxx-001 4			Electric service at Utah property.				451.16
Rocky Mountain Power P.O. Box 25308 Salt Lake City, UT 84125		J					
Account No. xxxxxxxx xxx xxxx2331			9/11/09 to 10/12/09 Utilities				328.80
Salt Lake City Corporation Public Utilities P.O. Box 30881 Salt Lake City, UT 84130-0881		J					
Account No. xxxxxx4004			Sportsman's Warehouse, Inc. Real Estate Personal Guarantee St. Cloud location				793,000.00
Small Business Admin. MN Business Financing Corp. 4191 2nd Street South Saint Cloud, MN 56301		X J		X	X		
Account No. x5000			Sportsman's Warehouse, Inc. Real Estate Personal Guarantee St. Cloud location				2,388,000.00
Stearns Bank 4191 2nd Street South Saint Cloud, MN 56301		X J		X	X		
Account No. x5160			Sportsman's Warehouse, Inc. Real Estate Personal Guarantee Midvale, UT location				3,136,000.00
Stearns Bank 4191 2nd Street South Saint Cloud, MN 56301		X J		X	X		
Sheet no. <u>5</u> of <u>8</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims							Subtotal (Total of this page)
							6,317,779.96

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**

Case No. 09-18474

Debtors

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No. xxxx-xxxx-xxxx-1009  Target P.O. Box 59317 Minneapolis, MN 55459-0317		J	Personal Credit Card			10,975.81
Account No.  The Hartford One Hartford Plaza Hartford, CT 06155	X	H	Surety Bond Indemnification, various dates on Sportsman's utilities	X	X	68,185.00
Account No.  Thomas Glennon & Assoc. 90 South 7th Street Minneapolis, MN 55402		H	2/2009 Legal costs on failed UFA Consulting/ Non-Compete Agreement			23,305.00
Account No. xxxx-xxxx-xxxx-9122  US Bank P.O. Box 790408 Saint Louis, MO 63179		J	Personal Credit Card			44,066.39
Account No. xxxx-xxxx-xxxx-6016  US Bank P.O. Box 790408 Saint Louis, MO 63179		J	Personal Credit Card			19,450.17
Sheet no. <u>6</u> of <u>8</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page) <b>165,982.37</b>

In re     Stuart B. Utgaard,  
              Kimberly J. Utgaard

Case No. 09-18474

Debtors

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E B O R	Husband, Wife, Joint, or Community	C O N T I N G E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		DATE CLAIM WAS INCURRED AND CONSIDERATION FOR CLAIM. IF CLAIM IS SUBJECT TO SETOFF, SO STATE.				
Account No. xxxx-xxxx-xxxx-0716		Personal Credit Card				
US Bank P.O. Box 790408 Saint Louis, MO 63179	J					19,900.00
Account No. xxxx-xxxx-xxxx-9418		Personal Credit Card				
US Bank P.O. Box 790408 Saint Louis, MO 63179	J					18,000.00
Account No. xxxx1683		Personal credit card				
US Bank P.O. Box 790408 Saint Louis, MO 63179	W					850.00
Account No.		6/2008 Tile work on Utah house (lien rights unknown)				
Wasatch Tile & Marble 7375 South State Street Midvale, UT 84047	H					14,000.00
Account No. xxxx-xxxx-xxxx-3442		Credit Card of Enterprise Investments				
Wells Fargo P.O. Box 54780 Los Angeles, CA 90054	J		X	X		40,260.99
Sheet no. <u>7</u> of <u>8</u> sheets attached to Schedule of Creditors Holding Unsecured Nonpriority Claims						Subtotal (Total of this page)
						93,010.99

In re **Stuart B. Utgaard,  
Kimberly J. Utgaard**

Case No. 09-18474

Debtors

**SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS**  
(Continuation Sheet)

CREDITOR'S NAME, MAILING ADDRESS INCLUDING ZIP CODE, AND ACCOUNT NUMBER (See instructions above.)	C O D E D E B T O R	Husband, Wife, Joint, or Community	C O N T I N G U E N T	U N L I Q U I D A T E D	D I S P U T E D	AMOUNT OF CLAIM
		H W J C				
Account No.						
Westfields Hospital 535 Hospital Road New Richmond, WI 54017-1449		J				575.00
Account No.						
Account No.						
Account No.						
Account No.						

Sheet no. 8 of 8 sheets attached to Schedule of  
Creditors Holding Unsecured Nonpriority Claims

Subtotal  
(Total of this page)

575.00

Total  
(Report on Summary of Schedules)

34,437,946.94



In re     Stuart B. Utgaard,  
             Kimberly J. Utgaard

Case No.     09-18474

Debtors

## **SCHEDULE G - EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Describe all executory contracts of any nature and all unexpired leases of real or personal property. Include any timeshare interests. State nature of debtor's interest in contract, i.e., "Purchaser", "Agent", etc. State whether debtor is the lessor or lessee of a lease. Provide the names and complete mailing addresses of all other parties to each lease or contract described. If a minor child is a party to one of the leases or contracts, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no executory contracts or unexpired leases.

Name and Mailing Address, Including Zip Code, of Other Parties to Lease or Contract	Description of Contract or Lease and Nature of Debtor's Interest. State whether lease is for nonresidential real property. State contract number of any government contract.
New Richmond Regional Airport 156 East First Street New Richmond, WI 54017	Land Lease of Lot 3 at the Airport

In re      Stuart B. Utgaard,  
              Kimberly J. Utgaard

Case No.      09-18474

Debtors

## SCHEDULE H - CODEBTORS

Provide the information requested concerning any person or entity, other than a spouse in a joint case, that is also liable on any debts listed by debtor in the schedules of creditors. Include all guarantors and co-signers. If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within the eight year period immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state, commonwealth, or territory. Include all names used by the nondebtor spouse during the eight years immediately preceding the commencement of this case. If a minor child is a codebtor or a creditor, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. §112 and Fed. R. Bankr. P. 1007(m).

☐ Check this box if debtor has no codebtors.

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
Sportsman's Aviation, LLC 215 West 1st Street Star Prairie, WI 54026-0010	North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047 Phone: 801-566-6681 Kevan Talbot, CFO	Columbia Sportswear 14375 NW Science Park Drive Portland, OR 97229
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047 Ph: 801-566-6681 Kevan Talbot, CFO	Pure Fishing 1900 18th Street Spirit Lake, IA 51360
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	New Balance Brighton Landing 20 Guest Street Brighton, MA 02135
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	The Hartford One Hartford Plaza Hartford, CT 06155
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Stearns Bank 4191 2nd Street South Saint Cloud, MN 56301
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Small Business Admin. MN Business Financing Corp. 4191 2nd Street South Saint Cloud, MN 56301
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Bridgeview Bank 4222 E. Camelback Rd. Phoenix, AZ 85018
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Marshall Bank First 225 S. 6th St, Suite 2900 Minneapolis, MN 55402
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	First American Bank 12333 University Ave. Clive, IA 50325
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	American Bank 1578 University Ave. Saint Paul, MN 55104

In re     Stuart B. Utgaard,  
           Kimberly J. Utgaard

Case No. 09-18474

Debtors

**SCHEDULE H - CODEBTORS**  
(Continuation Sheet)

NAME AND ADDRESS OF CODEBTOR	NAME AND ADDRESS OF CREDITOR
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Stearns Bank 4191 2nd Street South Saint Cloud, MN 56301
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Bridgeview Bank 4222 E. Camelback Rd. Phoenix, AZ 85018
Sportsman's Warehouse, Inc. 7035 South High Tech Drive Midvale, UT 84047	Centennial Gateway LLC 5785 Centennial Center Blvd Ste 230 Las Vegas, NV 89149

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:  
Both are unemployed at the moment. Stuart hopes to find employment in the near future.

- |    |   |    |                 |
|----|---|----|-----------------|
| a. | Average monthly income from Line 15 of Schedule I | \$ | <u>3,577.60</u> |
| b. | Average monthly expenses from Line 18 above       | \$ | <u>3,723.13</u> |
| c. | Monthly net income (a. minus b.)                  | \$ | <u>-145.53</u>  |

United States Bankruptcy Court  
Western District of Wisconsin

In re Stuart B. Utgaard  
Kimberly J. Utgaard

Debtor(s)

Case No. 09-18474  
Chapter 7

**DECLARATION CONCERNING DEBTOR'S SCHEDULES**

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of 29 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date

12/23/09

Signature

Stuart B. Utgaard  
Debtor

Date

12/23/09

Signature

Kimberly J. Utgaard  
Joint Debtor

*Penalty for making a false statement or concealing property:* Fine of up to \$500,000 or imprisonment for up to 5 years or both.  
18 U.S.C. §§ 152 and 3571.

# United States Bankruptcy Court Western District of Wisconsin

In re Stuart B. Utgaard  
Kimberly J. Utgaard

Debtor(s)

Case No. 09-18474

Chapter 7

## STATEMENT OF FINANCIAL AFFAIRS

This statement is to be completed by every debtor. Spouses filing a joint petition may file a single statement on which the information for both spouses is combined. If the case is filed under chapter 12 or chapter 13, a married debtor must furnish information for both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. An individual debtor engaged in business as a sole proprietor, partner, family farmer, or self-employed professional, should provide the information requested on this statement concerning all such activities as well as the individual's personal affairs. To indicate payments, transfers and the like to minor children, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See, 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

Questions 1 - 18 are to be completed by all debtors. Debtors that are or have been in business, as defined below, also must complete Questions 19 - 25. **If the answer to an applicable question is "None," mark the box labeled "None."** If additional space is needed for the answer to any question, use and attach a separate sheet properly identified with the case name, case number (if known), and the number of the question.

### DEFINITIONS

**"In business."** A debtor is "in business" for the purpose of this form if the debtor is a corporation or partnership. An individual debtor is "in business" for the purpose of this form if the debtor is or has been, within six years immediately preceding the filing of this bankruptcy case, any of the following: an officer, director, managing executive, or owner of 5 percent or more of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership; a sole proprietor or self-employed full-time or part-time. An individual debtor also may be "in business" for the purpose of this form if the debtor engages in a trade, business, or other activity, other than as an employee, to supplement income from the debtor's primary employment.

**"Insider."** The term "insider" includes but is not limited to: relatives of the debtor; general partners of the debtor and their relatives; corporations of which the debtor is an officer, director, or person in control; officers, directors, and any owner of 5 percent or more of the voting or equity securities of a corporate debtor and their relatives; affiliates of the debtor and insiders of such affiliates; any managing agent of the debtor. 11 U.S.C. § 101.

### 1. Income from employment or operation of business

None

- ☐ State the gross amount of income the debtor has received from employment, trade, or profession, or from operation of the debtor's business, including part-time activities either as an employee or in independent trade or business, from the beginning of this calendar year to the date this case was commenced. State also the gross amounts received during the **two years** immediately preceding this calendar year. (A debtor that maintains, or has maintained, financial records on the basis of a fiscal rather than a calendar year may report fiscal year income. Identify the beginning and ending dates of the debtor's fiscal year.) If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income of both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$46,040.08	2008 - Kimberly (Sports Warehouse)
\$32,692.36	2009 - Kimberly (Sports Warehouse)
\$459,576.60	2009 - Stuart (Sports Warehouse)
\$76,667.00	2009 - Stuart (Enterprise Investments, Inc.)
\$50,000.00	2008 - Stuart (Enterprise Investments, Inc.)
\$76,134.00	2008 - Net capital gain from Schedule D of tax return
\$637,691.00	2008 - S Corporation Income from Schedule E of tax return
\$45,127.00	2007 - Kimberly (Sports Warehouse)

AMOUNT	SOURCE
\$100,000.00	2007 - Stuart (Enterprise Investments, Inc.)
\$405,447.00	2007 - S Corporation Income from Schedule E of tax return

## 2. Income other than from employment or operation of business

None



State the amount of income received by the debtor other than from employment, trade, profession, or operation of the debtor's business during the **two years** immediately preceding the commencement of this case. Give particulars. If a joint petition is filed, state income for each spouse separately. (Married debtors filing under chapter 12 or chapter 13 must state income for each spouse whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

AMOUNT	SOURCE
\$20,000.00	2009 - Kimberly 401K distribution
\$6,973.00	2009 - Kimberly unemployment
\$8,873.00	2009 - Stuart unemployment
\$90.00	2008 - Interest income earned from Northstar Bank
\$5,054.00	2007 - Interest income from Sportsman's Warehouse (\$4,934) and Northstar Bank (\$120)

## 3. Payments to creditors

None



*Complete a. or b., as appropriate, and c.*

a. *Individual or joint debtor(s) with primarily consumer debts.* List all payments on loans, installment purchases of goods or services, and other debts to any creditor made within **90 days** immediately preceding the commencement of this case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$600. Indicate with an (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS	AMOUNT PAID	AMOUNT STILL OWING
See attached list		\$0.00	\$0.00

None



b. *Debtor whose debts are not primarily consumer debts:* List each payment or other transfer to any creditor made within **90 days** immediately preceding the commencement of the case unless the aggregate value of all property that constitutes or is affected by such transfer is less than \$5,475. If the debtor is an individual, indicate with an asterisk (\*) any payments that were made to a creditor on account of a domestic support obligation or as part of an alternative repayment schedule under a plan by an approved nonprofit budgeting and creditor counseling agency. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATES OF PAYMENTS/ TRANSFERS	AMOUNT PAID OR VALUE OF TRANSFERS	AMOUNT STILL OWING
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None



c. *All debtors:* List all payments made within **one year** immediately preceding the commencement of this case to or for the benefit of creditors who are or were insiders. (Married debtors filing under chapter 12 or chapter 13 must include payments by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR AND RELATIONSHIP TO DEBTOR	DATE OF PAYMENT	AMOUNT PAID	AMOUNT STILL OWING
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#### 4. Suits and administrative proceedings, executions, garnishments and attachments

- None ☐ a. List all suits and administrative proceedings to which the debtor is or was a party within **one year** immediately preceding the filing of this bankruptcy case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

CAPTION OF SUIT AND CASE NUMBER	NATURE OF PROCEEDING	COURT OR AGENCY AND LOCATION	STATUS OR DISPOSITION
Sportsman's Warehouse, Inc. Bankruptcy Case No. 09-10990	Chapter 11 bankruptcy	U.S. Bankruptcy Court State of Delaware	Anticipate 8/15/09 exit
Columbia Sportswear Company v. Utgaard et al. Case No. 09-cv-00335-HA	Contract dispute	U.S. District Court, District of Oregon (Portland)	Pending
North Star Bank vs. Stuart B Utgaard et al Case No. 2009CV001265	Foreclosure of Mortgage	St. Croix County Circuit Court	Pending

- None ☒ b. Describe all property that has been attached, garnished or seized under any legal or equitable process within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON FOR WHOSE BENEFIT PROPERTY WAS SEIZED	DATE OF SEIZURE	DESCRIPTION AND VALUE OF PROPERTY
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#### 5. Repossessions, foreclosures and returns

- None ☒ List all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR OR SELLER	DATE OF REPOSSESSION, FORECLOSURE SALE, TRANSFER OR RETURN	DESCRIPTION AND VALUE OF PROPERTY
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#### 6. Assignments and receiverships

- None ☒ a. Describe any assignment of property for the benefit of creditors made within **120 days** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include any assignment by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF ASSIGNEE	DATE OF ASSIGNMENT	TERMS OF ASSIGNMENT OR SETTLEMENT
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- None ☒ b. List all property which has been in the hands of a custodian, receiver, or court-appointed official within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning property of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CUSTODIAN	NAME AND LOCATION OF COURT CASE TITLE & NUMBER	DATE OF ORDER	DESCRIPTION AND VALUE OF PROPERTY
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**7. Gifts**

- None ☐ List all gifts or charitable contributions made within **one year** immediately preceding the commencement of this case except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient. (Married debtors filing under chapter 12 or chapter 13 must include gifts or contributions by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF PERSON OR ORGANIZATION	RELATIONSHIP TO DEBTOR, IF ANY	DATE OF GIFT	DESCRIPTION AND VALUE OF GIFT
See attached			

**8. Losses**

- None ☒ List all losses from fire, theft, other casualty or gambling within **one year** immediately preceding the commencement of this case **or since the commencement of this case.** (Married debtors filing under chapter 12 or chapter 13 must include losses by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

DESCRIPTION AND VALUE OF PROPERTY	DESCRIPTION OF CIRCUMSTANCES AND, IF LOSS WAS COVERED IN WHOLE OR IN PART BY INSURANCE, GIVE PARTICULARS	DATE OF LOSS

**9. Payments related to debt counseling or bankruptcy**

- None ☐ List all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under the bankruptcy law or preparation of the petition in bankruptcy within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS OF PAYEE	DATE OF PAYMENT, NAME OF PAYOR IF OTHER THAN DEBTOR	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
Murphy Desmond S.C.	8/18/09	\$3,574.00
P.O. Box 2038	8/31/09	\$410.15
Madison, WI 53703	10/5/09	\$6,522.60
	10/24/09	\$4,493.25
	11/05/09	\$2,417.39
	12/07/09	\$2,000.00

**10. Other transfers**

- None ☐ a. List all other property, other than property transferred in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as security within **two years** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include transfers by either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF TRANSFEREE, RELATIONSHIP TO DEBTOR	DATE	DESCRIBE PROPERTY TRANSFERRED AND VALUE RECEIVED
Steve Aanenson 2375 Terminal Road Saint Paul, MN 55113 None	10/2/09	2007 Premier Pontoon Boat, Motor, Trailer and Lift; received \$33,000 (\$11,016 went to Murphy Desmond, \$11,000 for Debtors' IRAs, and most of balance for revolving debt).
Auction  None	10/30/09	Various items of Debtors and items of Debtors' children sold at Auction - see attached; received \$28,055.78 (most of money used to pay down Wisconsin Department of Revenue debt and part went to Murphy Desmond).
Auction	11/3/09	Various items sold at red barn auction - \$10,311.77

- None ☒ b. List all property transferred by the debtor within **ten years** immediately preceding the commencement of this case to a self-settled trust or similar device of which the debtor is a beneficiary.

NAME OF TRUST OR OTHER DEVICE	DATE(S) OF TRANSFER(S)	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY OR DEBTOR'S INTEREST IN PROPERTY
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#### 11. Closed financial accounts

- None ☐ List all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within **one year** immediately preceding the commencement of this case. Include checking, savings, or other financial accounts, certificates of deposit, or other instruments; shares and share accounts held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. (Married debtors filing under chapter 12 or chapter 13 must include information concerning accounts or instruments held by or for either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF INSTITUTION	TYPE OF ACCOUNT, LAST FOUR DIGITS OF ACCOUNT NUMBER, AND AMOUNT OF FINAL BALANCE	AMOUNT AND DATE OF SALE OR CLOSING
First Utah Bank 7070 South State Street Midvale, UT 84047	Checking Account # xxxx6896	11/5/09 - \$24.00
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110	Checking Account # xxxx6678	about 11/20/09 - \$49.33

#### 12. Safe deposit boxes

- None ☒ List each safe deposit or other box or depository in which the debtor has or had securities, cash, or other valuables within **one year** immediately preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include boxes or depositories of either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF BANK OR OTHER DEPOSITORY	NAMES AND ADDRESSES OF THOSE WITH ACCESS TO BOX OR DEPOSITORY	DESCRIPTION OF CONTENTS	DATE OF TRANSFER OR SURRENDER, IF ANY
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#### 13. Setoffs

- None ☒ List all setoffs made by any creditor, including a bank, against a debt or deposit of the debtor within **90 days** preceding the commencement of this case. (Married debtors filing under chapter 12 or chapter 13 must include information concerning either or both spouses whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.)

NAME AND ADDRESS OF CREDITOR	DATE OF SETOFF	AMOUNT OF SETOFF
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#### 14. Property held for another person

- None ☒ List all property owned by another person that the debtor holds or controls.

NAME AND ADDRESS OF OWNER	DESCRIPTION AND VALUE OF PROPERTY	LOCATION OF PROPERTY
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#### 15. Prior address of debtor

- None ☒ If the debtor has moved within **three years** immediately preceding the commencement of this case, list all premises which the debtor occupied during that period and vacated prior to the commencement of this case. If a joint petition is filed, report also any separate address of either spouse.

ADDRESS	NAME USED	DATES OF OCCUPANCY
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### 16. Spouses and Former Spouses

- None ☐ If the debtor resides or resided in a community property state, commonwealth, or territory (including Alaska, Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Puerto Rico, Texas, Washington, or Wisconsin) within **eight years** immediately preceding the commencement of the case, identify the name of the debtor's spouse and of any former spouse who resides or resided with the debtor in the community property state.

NAME

Kimberly Joy Utgaard

### 17. Environmental Information.

For the purpose of this question, the following definitions apply:

"Environmental Law" means any federal, state, or local statute or regulation regulating pollution, contamination, releases of hazardous or toxic substances, wastes or material into the air, land, soil, surface water, groundwater, or other medium, including, but not limited to, statutes or regulations regulating the cleanup of these substances, wastes, or material.

"Site" means any location, facility, or property as defined under any Environmental Law, whether or not presently or formerly owned or operated by the debtor, including, but not limited to, disposal sites.

"Hazardous Material" means anything defined as a hazardous waste, hazardous substance, toxic substance, hazardous material, pollutant, or contaminant or similar term under an Environmental Law

- None ☐ a. List the name and address of every site for which the debtor has received notice in writing by a governmental unit that it may be liable or potentially liable under or in violation of an Environmental Law. Indicate the governmental unit, the date of the notice, and, if known, the Environmental Law:

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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- None ☐ b. List the name and address of every site for which the debtor provided notice to a governmental unit of a release of Hazardous Material. Indicate the governmental unit to which the notice was sent and the date of the notice.

SITE NAME AND ADDRESS	NAME AND ADDRESS OF GOVERNMENTAL UNIT	DATE OF NOTICE	ENVIRONMENTAL LAW
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- None ☐ c. List all judicial or administrative proceedings, including settlements or orders, under any Environmental Law with respect to which the debtor is or was a party. Indicate the name and address of the governmental unit that is or was a party to the proceeding, and the docket number.

NAME AND ADDRESS OF GOVERNMENTAL UNIT	DOCKET NUMBER	STATUS OR DISPOSITION
---------------------------------------	---------------	-----------------------

### 18. Nature, location and name of business

- None ☐ a. *If the debtor is an individual*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was an officer, director, partner, or managing executive of a corporation, partner in a partnership, sole proprietor, or was self-employed in a trade, profession, or other activity either full- or part-time within **six years** immediately preceding the commencement of this case, or in which the debtor owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

*If the debtor is a partnership*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities, within **six years** immediately preceding the commencement of this case.

*If the debtor is a corporation*, list the names, addresses, taxpayer identification numbers, nature of the businesses, and beginning and ending dates of all businesses in which the debtor was a partner or owned 5 percent or more of the voting or equity securities within **six years** immediately preceding the commencement of this case.

NAME	LAST FOUR DIGITS OF SOCIAL-SECURITY OR OTHER INDIVIDUAL TAXPAYER-I.D. NO. (ITIN)/ COMPLETE EIN	ADDRESS	NATURE OF BUSINESS	BEGINNING AND ENDING DATES
Sportsman's Warehouse (in bankruptcy)	39-1975614	7035 South High Tech Drive Midvale, UT 84047	Holding Co for retail sporting goods stores	11/1/96- Present
Sportsman's Warehouse (in bankruptcy)	87-0452614	7035 South High Tech Drive Midvale, UT 84047	Outdoor retail stores	11/1/96- Present
Pacific Flyway Wholesale (in bankruptcy)	87-0505734	7035 South High Tech Drive Midvale, UT 84047	Wholesaler/ Distributor sporting goods	11/1/96- Present
Enterprise Investments, Inc.	41-1325457	218 W. 1st Street Star Prairie, WI 54026	Consulting company	5/3/78- Present
Utgaard's Hatchery, Inc.	39-1555341	300 W. 1st Street Star Prairie, WI 54026	Poultry hatchery	1/09/86 to present

None ☐ b. Identify any business listed in response to subdivision a., above, that is "single asset real estate" as defined in 11 U.S.C. § 101.

NAME ADDRESS

The following questions are to be completed by every debtor that is a corporation or partnership and by any individual debtor who is or has been, within **six years** immediately preceding the commencement of this case, any of the following: an officer, director, managing executive, or owner of more than 5 percent of the voting or equity securities of a corporation; a partner, other than a limited partner, of a partnership, a sole proprietor or self-employed in a trade, profession, or other activity, either full- or part-time.

*(An individual or joint debtor should complete this portion of the statement **only** if the debtor is or has been in business, as defined above, within six years immediately preceding the commencement of this case. A debtor who has not been in business within those six years should go directly to the signature page.)*

#### 19. Books, records and financial statements

None ☐ a. List all bookkeepers and accountants who within **two years** immediately preceding the filing of this bankruptcy case kept or supervised the keeping of books of account and records of the debtor.

NAME AND ADDRESS	DATES SERVICES RENDERED
Bridget McKelvey, Johnson & Co. 3255 Fernbrook Lane N Minneapolis, MN 55447	1978-present

None ☐ b. List all firms or individuals who within the **two years** immediately preceding the filing of this bankruptcy case have audited the books of account and records, or prepared a financial statement of the debtor.

NAME	ADDRESS	DATES SERVICES RENDERED
Bridget McKelvey, Johnson & Co.	3255 Fernbrook Lane N Minneapolis, MN 55447	1978-present

None ☐ c. List all firms or individuals who at the time of the commencement of this case were in possession of the books of account and records of the debtor. If any of the books of account and records are not available, explain.

NAME	ADDRESS
Bridget McKelvey, Johnson & Co. 1978-present	3255 Fernbrook Lane N Minneapolis, MN 55447

- None ☐ d. List all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued by the debtor within **two years** immediately preceding the commencement of this case.

NAME AND ADDRESS  
See attached

DATE ISSUED

## 20. Inventories

- None ☐ a. List the dates of the last two inventories taken of your property, the name of the person who supervised the taking of each inventory, and the dollar amount and basis of each inventory.

DATE OF INVENTORY	INVENTORY SUPERVISOR	DOLLAR AMOUNT OF INVENTORY (Specify cost, market or other basis)
-------------------	----------------------	---

- None ☐ b. List the name and address of the person having possession of the records of each of the two inventories reported in a., above.

DATE OF INVENTORY	NAME AND ADDRESSES OF CUSTODIAN OF INVENTORY RECORDS
-------------------	---

## 21 . Current Partners, Officers, Directors and Shareholders

- None ☐ a. If the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership.

NAME AND ADDRESS	NATURE OF INTEREST	PERCENTAGE OF INTEREST
------------------	--------------------	------------------------

- None ☐ b. If the debtor is a corporation, list all officers and directors of the corporation, and each stockholder who directly or indirectly owns, controls, or holds 5 percent or more of the voting or equity securities of the corporation.

NAME AND ADDRESS	TITLE	NATURE AND PERCENTAGE OF STOCK OWNERSHIP
------------------	-------	---

## 22 . Former partners, officers, directors and shareholders

- None ☐ a. If the debtor is a partnership, list each member who withdrew from the partnership within **one year** immediately preceding the commencement of this case.

NAME	ADDRESS	DATE OF WITHDRAWAL
------	---------	--------------------

- None ☐ b. If the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within **one year** immediately preceding the commencement of this case.

NAME AND ADDRESS	TITLE	DATE OF TERMINATION
------------------	-------	---------------------

## 23 . Withdrawals from a partnership or distributions by a corporation

- None ☐ If the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during **one year** immediately preceding the commencement of this case.

NAME & ADDRESS OF RECIPIENT, RELATIONSHIP TO DEBTOR	DATE AND PURPOSE OF WITHDRAWAL	AMOUNT OF MONEY OR DESCRIPTION AND VALUE OF PROPERTY
---	-----------------------------------	--

**24. Tax Consolidation Group.**

- None ☐ If the debtor is a corporation, list the name and federal taxpayer identification number of the parent corporation of any consolidated group for tax purposes of which the debtor has been a member at any time within **six years** immediately preceding the commencement of the case.

NAME OF PARENT CORPORATION

TAXPAYER IDENTIFICATION NUMBER (EIN)

**25. Pension Funds.**

- None ☐ If the debtor is not an individual, list the name and federal taxpayer identification number of any pension fund to which the debtor, as an employer, has been responsible for contributing at any time within **six years** immediately preceding the commencement of the case.

NAME OF PENSION FUND

TAXPAYER IDENTIFICATION NUMBER (EIN)

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the answers contained in the foregoing statement of financial affairs and any attachments thereto and that they are true and correct.

Date 12/23/09

Signature Stuart B. Utgaard  
Stuart B. Utgaard  
Debtor

Date 12/23/09

Signature Kimberly J. Utgaard  
Kimberly J. Utgaard  
Joint Debtor

*Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571*



**Utgaard's Bankruptcy (Statement of Financial Affairs No. 3)**

<u>Date</u>	<u>Check #</u>	<u>Payee</u>	<u>Amount</u>
10/05/09	7868	Bank of America (0213)	\$1,549.75
10/21/09	N/A	Bank of America (0213)*	\$5,500.00
10/05/09	7867	Bank of America (4358)	\$924.45
10/21/09	N/A	Bank of America (4358)*	\$1,500.00
		Total Bank of America	\$9,474.20
09/19/09	7853	Bremer Bank (1022180)	\$650.00
10/24/09	1045	Bremer Bank (1022180)	\$647.51
11/21/09	1076	Bremer Bank (1022180)	\$647.51
09/28/09	7860	Bremer Bank (275124)	\$413.74
10/24/09	1044	Bremer Bank (275124)	\$250.00
11/05/09	1061	Bremer Bank (275124) ***	\$3,500.00
11/05/09	1062	Bremer Bank (275124)	\$200.00
11/21/09	1077	Bremer Bank (275124)	\$227.43
		Total Bremer Bank	\$6,536.19
10/05/09	7870	Chase (6062)	\$1,244.40
10/21/09	N/A	Chase (6062)*	\$2,280.00
09/16/09	7847	Chase (7633)	\$850.10
10/21/09	N/A	Chase (7633)*	\$3,700.00
		Total Chase	\$8,074.50
10/05/09	7865	Murphy Desmond	\$6,522.60
10/24/09	1042	Murphy Desmond	\$4,493.25
11/05/09	1059	Murphy Desmond	\$2,417.39
12/07/09	1004	Murphy Desmond	\$2,000.00
		Total Murphy Desmond	\$13,433.24

\* Repayment of 10/15/2009 Cash Advances

\*\*\* Repayment of 10/23/2009 Borrowing Against Line of Credit

<u>Date</u>	<u>Check #</u>	<u>Payee</u>	<u>Amount</u>	
09/28/09	7863	US Bank (0716)	\$636.03	
10/10/09	7879	US Bank (0716)	\$640.66	
09/11/09	7841	US Bank (1683)	\$5,221.03	
09/19/09	7855	US Bank (6016)	\$864.25	
09/17/09	7848	US Bank (9122)	\$1,270.71	
10/23/09	1041	US Bank (9122)**	\$5,296.39	
09/19/09	7856	US Bank (9418)	\$758.93	
		Total US Bank	\$14,688.00	
09/17/09	7849	Wells Fargo (1998)	\$854.43	
10/10/09	7880	Wells Fargo (1998)	\$1,941.30	
11/05/09	1060	Wells Fargo (1998) ***	\$4,000.00	
10/06/09	7872	Wells Fargo (3442)	\$1,700.22	
10/21/09 N/A		Wells Fargo (3442)*	\$1,000.00	
		Total Wells Fargo	\$9,495.95	
11/05/09	1063	WI Department of Revenue	\$34,445.00	
11/09/09	1067	WI Department of Revenue	\$15,000.00	
11/09/09	1068	WI Department of Revenue	\$389.44	
		Total WI Dept. of Revenue	\$49,834.44	Pd in Full

\* Repayment of 10/15/2009 Cash Advances

\*\* Repayment of 10/16/2009 Cash Advances

\*\*\* Repayment of 10/23/2009 Borrowing Against Line of Credit

## Question 7

## Gifts

Larry H. Miller Charities	Deceased Former Director 2/24/2009	\$100.00
Bethany Luthern Church	None	
	5/17/2009	\$50.00
	6/21/2009	<u>\$500.00</u>
	<b>Total 2009</b>	<b>\$550.00</b>
Boise State University Endowment	None	
	6/25/2009	\$100.00
Alexandra Utgaard	Daughter	
	7/23/2009	\$400.00
	B-Day Present	
Antje Utgaard	Daughter	
	7/23/2009	\$400.00
	B-Day Present	
Abrianna Utgaard	Daughter	
	7/10/2009	\$300.00
	B-Day Present	
	<b>Total 2009 Donations</b>	<b>\$1,850.00</b>

## Question 19d

<u>Name &amp; Address</u>	<u>Date Sent</u>
Stearns Bank David Feriancek PO Box 7338 4191 2nd Street St. Cloud, MN 56301	5/18/2009
North Star Bank 4661 Hwy 61 White Bear Lake, MN 55110	May-09
Columbia Sportswear Jean Boudreau & Tim Boyle 14375 NW Science Park Drive Portland, OR 97229	5/18/2009
McGillis Investment Co. Richard McGillis 3038 South 1030 West Salt Lake City, UT 84119	May-09
Scott Nielson 1371 South Vintage Oak Lane Salt Lake City, UT 84121	May-09
Bob Seidler Seidler Equity Partners 4640 Admiralty Way, Suite 1200 Marina Del Rey, CA 90292	May-09
Roger McGillis via email Big Rock Clothing Co. 1003 W. 3160 S. South Salt Lake City, UT 84119	7/16/2009

United States Bankruptcy Court  
Western District of Wisconsin

In re Stuart B. Utgaard  
Kimberly J. Utgaard

Debtor(s)

Case No.  
Chapter

7

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH  
CREDIT COUNSELING REQUIREMENT**

**Warning:** You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

*Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.*

☒ 1. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* \_\_\_\_\_

**If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.**

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

**I certify under penalty of perjury that the information provided above is true and correct.**

Signature of Debtor: \_\_\_\_\_

Stuart B. Utgaard

Date: \_\_\_\_\_

12/17/09

**United States Bankruptcy Court  
Western District of Wisconsin**

In re Stuart B. Utgaard  
Kimberly J. Utgaard

Debtor(s)

Case No. \_\_\_\_\_  
Chapter 7

**EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH  
CREDIT COUNSELING REQUIREMENT**

**Warning:** You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

*Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.*

☒ 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.*

☐ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*

☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. *[Summarize exigent circumstances here.]* \_\_\_\_\_

**If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.**

☐ 4. I am not required to receive a credit counseling briefing because of: *[Check the applicable statement.] [Must be accompanied by a motion for determination by the court.]*

☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);

☐ Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);

☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

**I certify under penalty of perjury that the information provided above is true and correct.**

Signature of Debtor: \_\_\_\_\_

*Kimberly J. Utgaard*  
Kimberly J. Utgaard

Date: \_\_\_\_\_

*12/17/09*



In re Stuart B. Utgaard  
Kimberly J. Utgaard  
 Debtor(s)

Case Number: \_\_\_\_\_  
 (If known)

According to the information required to be entered on this statement (check one box as directed in Part I, III, or VI of this statement):

- ☐ The presumption arises.
- ☒ The presumption does not arise.
- ☐ The presumption is temporarily inapplicable.

## CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual chapter 7 debtor, whether or not filing jointly. Unless the exclusion in Line 1C applies, joint debtors may complete a single statement. If the exclusion in Line 1C applies, each joint filer must complete a separate statement.

<b>Part I. MILITARY AND NON-CONSUMER DEBTORS</b>	
<b>1A</b>	<p><b>Disabled Veterans.</b> If you are a disabled veteran described in the Declaration in this Part IA, (1) check the box at the beginning of the Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input type="checkbox"/> <b>Declaration of Disabled Veteran.</b> By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. § 901(1)).</p>
<b>1B</b>	<p><b>Non-consumer Debtors.</b> If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.</p> <p><input checked="" type="checkbox"/> <b>Declaration of non-consumer debts.</b> By checking this box, I declare that my debts are not primarily consumer debts.</p>
<b>1C</b>	<p><b>Reservists and National Guard Members; active duty or homeland defense activity.</b> Members of a reserve component of the Armed Forces and members of the National Guard who were called to active duty (as defined in 10 U.S.C. § 101(d)(1)) after September 11, 2001, for a period of at least 90 days, or who have performed homeland defense activity (as defined in 32 U.S.C. § 901(1)) for a period of at least 90 days, are excluded from all forms of means testing during the time of active duty or homeland defense activity and for 540 days thereafter (the "exclusion period"). If you qualify for this temporary exclusion, (1) check the appropriate boxes and complete any required information in the Declaration of Reservists and National Guard Members below, (2) check the box for "The presumption is temporarily inapplicable" at the top of this statement, and (3) complete the verification in Part VIII. <b>During your exclusion period you are not required to complete the balance of this form, but you must complete the form no later than 14 days after the date on which your exclusion period ends, unless the time for filing a motion raising the means test presumption expires in your case before your exclusion period ends.</b></p> <p><input type="checkbox"/> <b>Declaration of Reservists and National Guard Members.</b> By checking this box and making the appropriate entries below, I declare that I am eligible for a temporary exclusion from means testing because, as a member of a reserve component of the Armed Forces or the National Guard</p> <div style="margin-left: 40px;"> <p>a. <input type="checkbox"/> I was called to active duty after September 11, 2001, for a period of at least 90 days and</p> <div style="margin-left: 20px;"> <input type="checkbox"/> I remain on active duty /or/  <input type="checkbox"/> I was released from active duty on _____, which is less than 540 days before this bankruptcy case was filed;         </div> <p style="text-align: center;">OR</p> <p>b. <input type="checkbox"/> I am performing homeland defense activity for a period of at least 90 days /or/  <input type="checkbox"/> I performed homeland defense activity for a period of at least 90 days, terminating on _____, which is less than 540 days before this bankruptcy case was filed.</p> </div>

**Part II. CALCULATION OF MONTHLY INCOME FOR § 707(b)(7) EXCLUSION**

<b>2</b>	<b>Marital/filing status.</b> Check the box that applies and complete the balance of this part of this statement as directed.	a. <input type="checkbox"/> Unmarried. Complete only Column A ("Debtor's Income") for Lines 3-11. b. <input type="checkbox"/> Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse and I are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code." Complete only column A ("Debtor's Income") for Lines 3-11. c. <input type="checkbox"/> Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11. d. <input type="checkbox"/> Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.																	
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line.	<b>Column A</b> <b>Debtor's</b> <b>Income</b>	<b>Column B</b> <b>Spouse's</b> <b>Income</b>																
<b>3</b>	<b>Gross wages, salary, tips, bonuses, overtime, commissions.</b>	\$	\$																
<b>4</b>	<b>Income from the operation of a business, profession or farm.</b> Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 10%;"></th> <th style="width: 25%; text-align: center;">Debtor</th> <th style="width: 25%; text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td>a. Gross receipts</td> <td style="text-align: center;">\$</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td>b. Ordinary and necessary business expenses</td> <td style="text-align: center;">\$</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td>c. Business income</td> <td></td> <td colspan="2">Subtract Line b from Line a</td> </tr> </tbody> </table>			Debtor	Spouse	a. Gross receipts	\$		\$	b. Ordinary and necessary business expenses	\$		\$	c. Business income		Subtract Line b from Line a		\$	\$
		Debtor	Spouse																
a. Gross receipts	\$		\$																
b. Ordinary and necessary business expenses	\$		\$																
c. Business income		Subtract Line b from Line a																	
<b>5</b>	<b>Rents and other real property income.</b> Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 10%;"></th> <th style="width: 25%; text-align: center;">Debtor</th> <th style="width: 25%; text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td>a. Gross receipts</td> <td style="text-align: center;">\$</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td>b. Ordinary and necessary operating expenses</td> <td style="text-align: center;">\$</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td>c. Rent and other real property income</td> <td></td> <td colspan="2">Subtract Line b from Line a</td> </tr> </tbody> </table>			Debtor	Spouse	a. Gross receipts	\$		\$	b. Ordinary and necessary operating expenses	\$		\$	c. Rent and other real property income		Subtract Line b from Line a		\$	\$
		Debtor	Spouse																
a. Gross receipts	\$		\$																
b. Ordinary and necessary operating expenses	\$		\$																
c. Rent and other real property income		Subtract Line b from Line a																	
<b>6</b>	<b>Interest, dividends, and royalties.</b>	\$	\$																
<b>7</b>	<b>Pension and retirement income.</b>	\$	\$																
<b>8</b>	<b>Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for that purpose.</b> Do not include alimony or separate maintenance payments or amounts paid by your spouse if Column B is completed.	\$	\$																
<b>9</b>	<b>Unemployment compensation.</b> Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below:																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Unemployment compensation claimed to be a benefit under the Social Security Act</td> <td style="width: 10%; text-align: center;">Debtor \$</td> <td style="width: 50%; text-align: center;">Spouse \$</td> </tr> </table>	Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$	Spouse \$	\$	\$													
Unemployment compensation claimed to be a benefit under the Social Security Act	Debtor \$	Spouse \$																	
<b>10</b>	<b>Income from all other sources.</b> Specify source and amount. If necessary, list additional sources on a separate page. Do not include alimony or separate maintenance payments paid by your spouse if Column B is completed, but include all other payments of alimony or separate maintenance. Do not include any benefits received under the Social Security Act or payments received as a victim of a war crime, crime against humanity, or as a victim of international or domestic terrorism.																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 10%;"></th> <th style="width: 25%; text-align: center;">Debtor</th> <th style="width: 25%; text-align: center;">Spouse</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td style="text-align: center;">\$</td> <td></td> <td style="text-align: center;">\$</td> </tr> <tr> <td>b.</td> <td style="text-align: center;">\$</td> <td></td> <td style="text-align: center;">\$</td> </tr> </tbody> </table>			Debtor	Spouse	a.	\$		\$	b.	\$		\$	\$	\$				
		Debtor	Spouse																
a.	\$		\$																
b.	\$		\$																
	Total and enter on Line 10	\$	\$																
<b>11</b>	<b>Subtotal of Current Monthly Income for § 707(b)(7).</b> Add Lines 3 thru 10 in Column A, and, if Column B is completed, add Lines 3 through 10 in Column B. Enter the total(s).	\$	\$																

12	<b>Total Current Monthly Income for § 707(b)(7).</b> If Column B has been completed, add Line 11, Column A to Line 11, Column B, and enter the total. If Column B has not been completed, enter the amount from Line 11, Column A.	\$
<b>Part III. APPLICATION OF § 707(b)(7) EXCLUSION</b>		
13	<b>Annualized Current Monthly Income for § 707(b)(7).</b> Multiply the amount from Line 12 by the number 12 and enter the result.	\$
14	<b>Applicable median family income.</b> Enter the median family income for the applicable state and household size. (This information is available by family size at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) a. Enter debtor's state of residence: _____ b. Enter debtor's household size: _____	\$
15	<b>Application of Section 707(b)(7).</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 13 is less than or equal to the amount on Line 14.</b> Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. <input type="checkbox"/> <b>The amount on Line 13 is more than the amount on Line 14.</b> Complete the remaining parts of this statement.	

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

<b>Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)</b>																											
16	<b>Enter the amount from Line 12.</b>	\$																									
17	<b>Marital adjustment.</b> If you checked the box at Line 2.c, enter on Line 17 the total of any income listed in Line 11, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If you did not check box at Line 2.c, enter zero.																										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">a.</td> <td style="width: 60%;"></td> <td style="width: 35%; text-align: right;">\$</td> </tr> <tr> <td>b.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c.</td> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>d.</td> <td></td> <td style="text-align: right;">\$</td> </tr> </table>	a.		\$	b.		\$	c.		\$	d.		\$														
a.		\$																									
b.		\$																									
c.		\$																									
d.		\$																									
	<b>Total and enter on Line 17</b>		\$																								
18	<b>Current monthly income for § 707(b)(2).</b> Subtract Line 17 from Line 16 and enter the result.	\$																									
<b>Part V. CALCULATION OF DEDUCTIONS FROM INCOME</b>																											
<b>Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)</b>																											
19A	<b>National Standards: food, clothing and other items.</b> Enter in Line 19A the "Total" amount from IRS National Standards for Food, Clothing and Other Items for the applicable household size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$																									
19B	<b>National Standards: health care.</b> Enter in Line a1 below the amount from IRS National Standards for Out-of-Pocket Health Care for persons under 65 years of age, and in Line a2 the IRS National Standards for Out-of-Pocket Health Care for persons 65 years of age or older. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) Enter in Line b1 the number of members of your household who are under 65 years of age, and enter in Line b2 the number of members of your household who are 65 years of age or older. (The total number of household members must be the same as the number stated in Line 14b.) Multiply Line a1 by Line b1 to obtain a total amount for household members under 65, and enter the result in Line c1. Multiply Line a2 by Line b2 to obtain a total amount for household members 65 and older, and enter the result in Line c2. Add Lines c1 and c2 to obtain a total health care amount, and enter the result in Line 19B.																										
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: left;">Household members under 65 years of age</th> <th colspan="3" style="text-align: left;">Household members 65 years of age or older</th> </tr> </thead> <tbody> <tr> <td style="width: 5%;">a1.</td> <td style="width: 40%;">Allowance per member</td> <td style="width: 15%;"></td> <td style="width: 5%;">a2.</td> <td style="width: 40%;">Allowance per member</td> <td style="width: 15%;"></td> </tr> <tr> <td>b1.</td> <td>Number of members</td> <td></td> <td>b2.</td> <td>Number of members</td> <td></td> </tr> <tr> <td>c1.</td> <td>Subtotal</td> <td></td> <td>c2.</td> <td>Subtotal</td> <td></td> </tr> </tbody> </table>		Household members under 65 years of age			Household members 65 years of age or older			a1.	Allowance per member		a2.	Allowance per member		b1.	Number of members		b2.	Number of members		c1.	Subtotal		c2.	Subtotal		\$
Household members under 65 years of age			Household members 65 years of age or older																								
a1.	Allowance per member		a2.	Allowance per member																							
b1.	Number of members		b2.	Number of members																							
c1.	Subtotal		c2.	Subtotal																							
20A	<b>Local Standards: housing and utilities; non-mortgage expenses.</b> Enter the amount of the IRS Housing and Utilities Standards; non-mortgage expenses for the applicable county and household size. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	\$																									

20B	<p><b>Local Standards: housing and utilities; mortgage/rent expense.</b> Enter, in Line a below, the amount of the IRS Housing and Utilities Standards; mortgage/rent expense for your county and household size (this information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court); enter on Line b the total of the Average Monthly Payments for any debts secured by your home, as stated in Line 42; subtract Line b from Line a and enter the result in Line 20B. <b>Do not enter an amount less than zero.</b></p> <table border="1"> <tr> <td>a.</td> <td>IRS Housing and Utilities Standards; mortgage/rental expense</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net mortgage/rental expense</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$	b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$	c.	Net mortgage/rental expense	Subtract Line b from Line a.	\$
a.	IRS Housing and Utilities Standards; mortgage/rental expense	\$									
b.	Average Monthly Payment for any debts secured by your home, if any, as stated in Line 42	\$									
c.	Net mortgage/rental expense	Subtract Line b from Line a.									
21	<p><b>Local Standards: housing and utilities; adjustment.</b> If you contend that the process set out in Lines 20A and 20B does not accurately compute the allowance to which you are entitled under the IRS Housing and Utilities Standards, enter any additional amount to which you contend you are entitled, and state the basis for your contention in the space below:</p>	\$									
22A	<p><b>Local Standards: transportation; vehicle operation/public transportation expense.</b> You are entitled to an expense allowance in this category regardless of whether you pay the expenses of operating a vehicle and regardless of whether you use public transportation.</p> <p>Check the number of vehicles for which you pay the operating expenses or for which the operating expenses are included as a contribution to your household expenses in Line 8.</p> <p><input type="checkbox"/> 0   <input type="checkbox"/> 1   <input type="checkbox"/> 2 or more.</p> <p>If you checked 0, enter on Line 22A the "Public Transportation" amount from IRS Local Standards: Transportation. If you checked 1 or 2 or more, enter on Line 22A the "Operating Costs" amount from IRS Local Standards: Transportation for the applicable number of vehicles in the applicable Metropolitan Statistical Area or Census Region. (These amounts are available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</p>	\$									
22B	<p><b>Local Standards: transportation; additional public transportation expense.</b> If you pay the operating expenses for a vehicle and also use public transportation, and you contend that you are entitled to an additional deduction for you public transportation expenses, enter on Line 22B the "Public Transportation" amount from IRS Local Standards: Transportation. (This amount is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</p>	\$									
23	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 1.</b> Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.)</p> <p><input type="checkbox"/> 1   <input type="checkbox"/> 2 or more.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. <b>Do not enter an amount less than zero.</b></p> <table border="1"> <tr> <td>a.</td> <td>IRS Transportation Standards, Ownership Costs</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net ownership/lease expense for Vehicle 1</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42	\$	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 1, as stated in Line 42	\$									
c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.									
24	<p><b>Local Standards: transportation ownership/lease expense; Vehicle 2.</b> Complete this Line only if you checked the "2 or more" Box in Line 23.</p> <p>Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. <b>Do not enter an amount less than zero.</b></p> <table border="1"> <tr> <td>a.</td> <td>IRS Transportation Standards, Ownership Costs</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Net ownership/lease expense for Vehicle 2</td> <td>Subtract Line b from Line a.</td> </tr> </table>	a.	IRS Transportation Standards, Ownership Costs	\$	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.	\$
a.	IRS Transportation Standards, Ownership Costs	\$									
b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$									
c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.									
25	<p><b>Other Necessary Expenses: taxes.</b> Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self employment taxes, social security taxes, and Medicare taxes. <b>Do not include real estate or sales taxes.</b></p>	\$									
26	<p><b>Other Necessary Expenses: involuntary deductions for employment.</b> Enter the total average monthly payroll deductions that are required for your employment, such as retirement contributions, union dues, and uniform costs. <b>Do not include discretionary amounts, such as voluntary 401(k) contributions.</b></p>	\$									

27	<b>Other Necessary Expenses: life insurance.</b> Enter total average monthly premiums that you actually pay for term life insurance for yourself. <b>Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.</b>	\$
28	<b>Other Necessary Expenses: court-ordered payments.</b> Enter the total monthly amount that you are required to pay pursuant to the order of a court or administrative agency, such as spousal or child support payments. <b>Do not include payments on past due obligations included in Line 44.</b>	\$
29	<b>Other Necessary Expenses: education for employment or for a physically or mentally challenged child.</b> Enter the total average monthly amount that you actually expend for education that is a condition of employment and for education that is required for a physically or mentally challenged dependent child for whom no public education providing similar services is available.	\$
30	<b>Other Necessary Expenses: childcare.</b> Enter the total average monthly amount that you actually expend on childcare - such as baby-sitting, day care, nursery and preschool. <b>Do not include other educational payments.</b>	\$
31	<b>Other Necessary Expenses: health care.</b> Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents, that is not reimbursed by insurance or paid by a health savings account, and that is in excess of the amount entered in Line 19B. <b>Do not include payments for health insurance or health savings accounts listed in Line 34.</b>	\$
32	<b>Other Necessary Expenses: telecommunication services.</b> Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone and cell phone service - such as pagers, call waiting, caller id, special long distance, or internet service - to the extent necessary for your health and welfare or that of your dependents. <b>Do not include any amount previously deducted.</b>	\$
33	<b>Total Expenses Allowed under IRS Standards.</b> Enter the total of Lines 19 through 32.	\$

### Subpart B: Additional Living Expense Deductions

**Note: Do not include any expenses that you have listed in Lines 19-32**

34	<p><b>Health Insurance, Disability Insurance, and Health Savings Account Expenses.</b> List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents.</p> <table border="1"> <tr> <td>a.</td> <td>Health Insurance</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Disability Insurance</td> <td>\$</td> </tr> <tr> <td>c.</td> <td>Health Savings Account</td> <td>\$</td> </tr> </table> <p>Total and enter on Line 34.</p> <p><b>If you do not actually expend this total amount, state your actual total average monthly expenditures in the space below:</b></p> <p>\$</p>	a.	Health Insurance	\$	b.	Disability Insurance	\$	c.	Health Savings Account	\$	\$
a.	Health Insurance	\$									
b.	Disability Insurance	\$									
c.	Health Savings Account	\$									
35	<b>Continued contributions to the care of household or family members.</b> Enter the total average actual monthly expenses that you will continue to pay for the reasonable and necessary care and support of an elderly, chronically ill, or disabled member of your household or member of your immediate family who is unable to pay for such expenses.	\$									
36	<b>Protection against family violence.</b> Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.	\$									
37	<b>Home energy costs.</b> Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. <b>You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.</b>	\$									
38	<b>Education expenses for dependent children less than 18.</b> Enter the total average monthly expenses that you actually incur, not to exceed \$137.50 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. <b>You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.</b>	\$									

39	<b>Additional food and clothing expense.</b> Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.) <b>You must demonstrate that the additional amount claimed is reasonable and necessary.</b>	\$
40	<b>Continued charitable contributions.</b> Enter the amount that you will continue to contribute in the form of cash or financial instruments to a charitable organization as defined in 26 U.S.C. § 170(c)(1)-(2).	\$
41	<b>Total Additional Expense Deductions under § 707(b).</b> Enter the total of Lines 34 through 40	\$

**Subpart C: Deductions for Debt Payment**

42	<b>Future payments on secured claims.</b> For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, and state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 42.																					
	<table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt</th> <th>Average Monthly Payment</th> <th>Does payment include taxes or insurance?</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> <td><input type="checkbox"/> yes <input type="checkbox"/> no</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td colspan="3">Total: Add Lines</td> <td></td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?	a.			\$	<input type="checkbox"/> yes <input type="checkbox"/> no							Total: Add Lines				\$
	Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?																		
a.			\$	<input type="checkbox"/> yes <input type="checkbox"/> no																		
	Total: Add Lines																					
43	<b>Other payments on secured claims.</b> If any of debts listed in Line 42 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 42, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page.																					
	<table border="1"> <thead> <tr> <th></th> <th>Name of Creditor</th> <th>Property Securing the Debt</th> <th>1/60th of the Cure Amount</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> <td>\$</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td colspan="3">Total: Add Lines</td> </tr> </tbody> </table>		Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount	a.			\$						Total: Add Lines			\$				
	Name of Creditor	Property Securing the Debt	1/60th of the Cure Amount																			
a.			\$																			
	Total: Add Lines																					
44	<b>Payments on prepetition priority claims.</b> Enter the total amount, divided by 60, of all priority claims, such as priority tax, child support and alimony claims, for which you were liable at the time of your bankruptcy filing. <b>Do not include current obligations, such as those set out in Line 28.</b>		\$																			
45	<b>Chapter 13 administrative expenses.</b> If you are eligible to file a case under Chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.																					
	<table border="1"> <tbody> <tr> <td>a.</td> <td>Projected average monthly Chapter 13 plan payment.</td> <td>\$</td> </tr> <tr> <td>b.</td> <td>Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)</td> <td>x</td> </tr> <tr> <td>c.</td> <td>Average monthly administrative expense of Chapter 13 case</td> <td>Total: Multiply Lines a and b</td> </tr> </tbody> </table>	a.	Projected average monthly Chapter 13 plan payment.	\$	b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x	c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b	\$											
a.	Projected average monthly Chapter 13 plan payment.	\$																				
b.	Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at <a href="http://www.usdoj.gov/ust/">www.usdoj.gov/ust/</a> or from the clerk of the bankruptcy court.)	x																				
c.	Average monthly administrative expense of Chapter 13 case	Total: Multiply Lines a and b																				
46	<b>Total Deductions for Debt Payment.</b> Enter the total of Lines 42 through 45.		\$																			

**Subpart D: Total Deductions from Income**

47	<b>Total of all deductions allowed under § 707(b)(2).</b> Enter the total of Lines 33, 41, and 46.	\$
----	--	----

**Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION**

48	<b>Enter the amount from Line 18 (Current monthly income for § 707(b)(2))</b>	\$
49	<b>Enter the amount from Line 47 (Total of all deductions allowed under § 707(b)(2))</b>	\$
50	<b>Monthly disposable income under § 707(b)(2).</b> Subtract Line 49 from Line 48 and enter the result.	\$
51	<b>60-month disposable income under § 707(b)(2).</b> Multiply the amount in Line 50 by the number 60 and enter the result.	\$

52	<b>Initial presumption determination.</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 51 is less than \$6,575.</b> Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. Do not complete the remainder of Part VI. <input type="checkbox"/> <b>The amount set forth on Line 51 is more than \$10,950</b> Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII. Do not complete the remainder of Part VI. <input type="checkbox"/> <b>The amount on Line 51 is at least \$6,575, but not more than \$10,950.</b> Complete the remainder of Part VI (Lines 53 through 55).	
53	Enter the amount of your total non-priority unsecured debt	\$
54	Threshold debt payment amount. Multiply the amount in Line 53 by the number 0.25 and enter the result.	\$
55	<b>Secondary presumption determination.</b> Check the applicable box and proceed as directed. <input type="checkbox"/> <b>The amount on Line 51 is less than the amount on Line 54.</b> Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII. <input type="checkbox"/> <b>The amount on Line 51 is equal to or greater than the amount on Line 54.</b> Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.	
<b>Part VII. ADDITIONAL EXPENSE CLAIMS</b>		
56	<b>Other Expenses.</b> List and describe any monthly expenses, not otherwise stated in this form, that are required for the health and welfare of you and your family and that you contend should be an additional deduction from your current monthly income under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separate page. All figures should reflect your average monthly expense for each item. Total the expenses.	
	Expense Description	Monthly Amount
	a.	\$
	b.	\$
	c.	\$
	d.	\$
	Total: Add Lines a, b, c, and d	
		\$
<b>Part VIII. VERIFICATION</b>		
57	I declare under penalty of perjury that the information provided in this statement is true and correct. <i>(If this is a joint case, both debtors must sign.)</i> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;">           Date: <u>12/17/09</u> </div> <div style="width: 45%;">           Signature: <u><i>Stuart B. Utgaard</i></u>            Stuart B. Utgaard            (Debtor)         </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;">           Date: <u>12/17/09</u> </div> <div style="width: 45%;">           Signature: <u><i>Kimberly J. Utgaard</i></u>            Kimberly J. Utgaard            (Joint Debtor, if any)         </div> </div>	

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WISCONSIN

PAYMENT ADVICES COVER SHEET  
in Accordance With 11 U.S.C. Sec. 521(a)(1)(B)(iv)

In re:

Stuart B. Utgaard  
Kimberly J. Utgaard

Case No. \_\_\_\_\_

Chapter 7

Debtor(s)

Please check the appropriate box.

For Debtor:

- ☐ Payment advices (pay stubs) are attached.
- ☒ No payment advices (pay stubs) are attached (the debtor had no income from any employer during the 60 days prior to filing the bankruptcy petition).
- ☐ No payment advices (pay stubs) attached for other reason, or some payment advices missing (please explain). \_\_\_\_\_

For Joint Debtor, if applicable:

- ☐ Payment advices (pay stubs) are attached.
- ☒ No payment advices (pay stubs) are attached (the debtor had no income from any employer during the 60 days prior to filing the bankruptcy petition).
- ☐ No payment advices (pay stubs) attached for other reason, or some payment advices missing (please explain). \_\_\_\_\_

I declare under penalty of perjury that I have read this payment advices cover sheet and the attached payment advices, consisting of \_\_\_\_\_ sheets, numbered 1 through \_\_\_\_\_, and that they are true and correct to the best of my knowledge, information, and belief.

Signature of Debtor: \_\_\_\_\_

Signature of Joint Debtor: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

12/17/09

12/17/09



**United States Bankruptcy Court**  
**Western District of Wisconsin**

In re Stuart B. Utgaard  
Kimberly J. Utgaard

Debtor(s)

Case No. 09-18474  
 Chapter 7

**CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**

**PART A - Debts secured by property of the estate. (Part A must be fully completed for EACH debt which is secured by property of the estate. Attach additional pages if necessary.)**

<b>Property No. 1</b>	
<b>Creditor's Name:</b> 402 N. Cove, LLC	<b>Describe Property Securing Debt:</b> 300 West 1st Street Star Prairie, Wisconsin  Security interest limited to \$250,000
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <span style="margin-left: 150px;"><input type="checkbox"/> Retained</span>	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <span style="margin-left: 150px;"><input checked="" type="checkbox"/> Not claimed as exempt</span>	

<b>Property No. 2</b>	
<b>Creditor's Name:</b> Anchor Bank	<b>Describe Property Securing Debt:</b> Building located on Lot 13-3 of New Richmond, Wisconsin Regional Airport
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <span style="margin-left: 150px;"><input type="checkbox"/> Retained</span>	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <span style="margin-left: 150px;"><input checked="" type="checkbox"/> Not claimed as exempt</span>	

<b>Property No. 3</b>	
<b>Creditor's Name:</b> Bremer Bank	<b>Describe Property Securing Debt:</b> 217 West 1st Street Star Prairie, WI 54026
<b>Property will be (check one):</b> <input type="checkbox"/> Surrendered <input checked="" type="checkbox"/> Retained	
<b>If retaining the property, I intend to (check at least one):</b> <input type="checkbox"/> Redeem the property <input checked="" type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
<b>Property is (check one):</b> <input checked="" type="checkbox"/> Claimed as Exempt <input type="checkbox"/> Not claimed as exempt	

<b>Property No. 4</b>	
<b>Creditor's Name:</b> City of New Richmond Treasurer	<b>Describe Property Securing Debt:</b> Building located on Lot 13-3 of New Richmond, Wisconsin Regional Airport
<b>Property will be (check one):</b> <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
<b>If retaining the property, I intend to (check at least one):</b> <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
<b>Property is (check one):</b> <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

<b>Property No. 5</b>	
<b>Creditor's Name:</b> First Horizon	<b>Describe Property Securing Debt:</b> 1858 S. Lakeline Drive Salt Lake City, UT 84109
<b>Property will be (check one):</b> <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
<b>If retaining the property, I intend to (check at least one):</b> <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
<b>Property is (check one):</b> <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 6	
Creditor's Name: North Star Bank	Describe Property Securing Debt: 300 West 1st Street Star Prairie, Wisconsin
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 7	
Creditor's Name: Salt Lake County Treasurer	Describe Property Securing Debt: 1858 S. Lakeline Drive Salt Lake City, UT 84109
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

Property No. 8	
Creditor's Name: Wells Fargo	Describe Property Securing Debt: 419C Lakeview Lane Osceola, Wisconsin
Property will be (check one): <input checked="" type="checkbox"/> Surrendered <input type="checkbox"/> Retained	
If retaining the property, I intend to (check at least one): <input type="checkbox"/> Redeem the property <input type="checkbox"/> Reaffirm the debt <input type="checkbox"/> Other. Explain _____ (for example, avoid lien using 11 U.S.C. § 522(f)).	
Property is (check one): <input type="checkbox"/> Claimed as Exempt <input checked="" type="checkbox"/> Not claimed as exempt	

**PART B - Personal property subject to unexpired leases.** (All three columns of Part B must be completed for each unexpired lease. Attach additional pages if necessary.)

Property No. 1		
Lessor's Name: New Richmond Regional Airport	Describe Leased Property: Land Lease of Lot 3 at the Airport	Lease will be Assumed pursuant to 11 U.S.C. § 365(p)(2): <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

I declare under penalty of perjury that the above indicates my intention as to any property of my estate securing a debt and/or personal property subject to an unexpired lease.

Date 12/29/09

Signature

Stuart B. Utgaard  
 Debtor

Date

12/29/09

Signature

Kimberly J. Utgaard  
 Joint Debtor